

Senator Michael K. McKell proposes the following substitute bill:

NATURAL RESOURCES REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel Ferry

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill modifies provisions related to the management, regulation, conservation, and use of natural resources.

Highlighted Provisions:

This bill:

- ▶ changes the name of the Division of Recreation to the Division of Outdoor Recreation;
- ▶ merges the Office of Outdoor Recreation into the Division of Outdoor Recreation, including addressing:
 - powers and duties;
 - administration of grants; and
 - a transition;
- ▶ addresses reporting requirements, including reporting by the Office of Energy Development and reporting by the Division of Outdoor Recreation;
- ▶ modifies provisions related to off-highway vehicles, including use of certain money;
- ▶ amends authority to appoint off-highway vehicle and boating advisory councils;
- ▶ addresses the Zion National Park Support Programs Restricted Account;
- ▶ modifies the Division of Outdoor Recreation's authority to create recreational trails



- 26 and outdoor recreation advisory bodies;
- 27 ▶ creates the Utah Outdoor Recreation Infrastructure Advisory Committee to replace
- 28 other advisory committees and requires consultation with the Division of Outdoor
- 29 Recreation;
- 30 ▶ addresses criteria related to certain recreational grants;
- 31 ▶ addresses the Bonneville Shoreline Trail Program;
- 32 ▶ modifies the makeup of the Outdoor Adventure Commission and changes
- 33 consultation requirements;
- 34 ▶ modifies the makeup of the Resource Development Coordinating Committee;
- 35 ▶ addresses the relationship with the Division of Wildlife Resources and the Wildlife
- 36 Board;
- 37 ▶ repeals the Utah Outdoor Recreation Grant Advisory Committee;
- 38 ▶ establishes policy related to conservation;
- 39 ▶ addresses coordination of state conservation efforts, including authorizing
- 40 agreements;
- 41 ▶ repeals the Quality Growth Commission and replaces the commission with the Land
- 42 Conservation Board, including moving the board within the Department of
- 43 Agriculture and Food, addressing the board's powers and duties, and moving
- 44 definitions related to housing;
- 45 ▶ modifies the LeRay McAllister Critical Land Conservation Program, including
- 46 addressing local action in some circumstances;
- 47 ▶ requires certain counties to remit to the state a portion of rollback taxes and related
- 48 payments to fund the LeRay McAllister Critical Land Conservation Program;
- 49 ▶ creates the Division of Conservation within the Department of Agriculture and
- 50 Food;
- 51 ▶ provides for coordination of conservation efforts;
- 52 ▶ addresses rulemaking authority, including requiring rulemaking related to
- 53 off-highway vehicles, clarifying rulemaking by the Division of Outdoor Recreation,
- 54 and rulemaking related to grants;
- 55 ▶ modifies sunset and repeal dates;
- 56 ▶ modifies definition provisions;

- 57 ▶ provides for transition; and
- 58 ▶ makes technical and conforming changes.

59 **Money Appropriated in this Bill:**

60 This bill appropriates in fiscal year 2023:

- 61 ▶ to the Department of Natural Resources -- Pass Through, as an ongoing
- 62 appropriation:
- 63 • from General Fund, \$130,000;
- 64 ▶ to the Department of Natural Resources -- Recreation Management, as an ongoing
- 65 appropriation:
- 66 • from General Fund, \$150,000;
- 67 ▶ to the Department of Agriculture and Food -- Conservation, as an ongoing
- 68 appropriation:
- 69 • from General Fund, \$120,000;
- 70 ▶ to the Governor's Office of Economic Opportunity, as an ongoing appropriation:
- 71 • from General Fund, (\$338,700); and
- 72 ▶ to the Department of Natural Resources -- Recreation Management, as an ongoing
- 73 appropriation:
- 74 • from General Fund, \$338,700.

75 **Other Special Clauses:**

76 This bill provides a special effective date.

77 This bill provides revisor instructions.

78 **Utah Code Sections Affected:**

79 AMENDS:

- 80 **4-2-103**, as last amended by Laws of Utah 2018, Chapter 200
- 81 **4-18-102**, as last amended by Laws of Utah 2021, Chapter 178
- 82 **4-18-105**, as last amended by Laws of Utah 2019, Chapter 178
- 83 **9-9-112**, as enacted by Laws of Utah 2021, Chapter 380 and last amended by
- 84 Coordination Clause, Laws of Utah 2021, Chapter 280
- 85 **23-14-14.2**, as enacted by Laws of Utah 2007, Chapter 189
- 86 **35A-8-2105**, as renumbered and amended by Laws of Utah 2018, Chapter 182
- 87 **41-1a-418**, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378

88 [41-1a-422](#), as last amended by Laws of Utah 2021, Chapters 219, 280, and 378
89 [41-6a-1509](#), as last amended by Laws of Utah 2021, Chapter 280
90 [41-22-2](#), as last amended by Laws of Utah 2021, Chapter 280
91 [41-22-5.1](#), as last amended by Laws of Utah 2021, Chapter 280
92 [41-22-5.5](#), as last amended by Laws of Utah 2021, Chapter 280
93 [41-22-8](#), as last amended by Laws of Utah 2021, Chapter 280
94 [41-22-10](#), as last amended by Laws of Utah 2021, Chapter 280
95 [41-22-10.7](#), as last amended by Laws of Utah 2021, Chapter 280
96 [41-22-19](#), as last amended by Laws of Utah 2012, Chapter 71
97 [41-22-31](#), as last amended by Laws of Utah 2021, Chapter 280
98 [41-22-33](#), as last amended by Laws of Utah 2021, Chapter 280
99 [41-22-35](#), as last amended by Laws of Utah 2021, Chapter 280
100 [53-2a-1102](#), as last amended by Laws of Utah 2021, Chapter 395
101 [57-14-204](#), as last amended by Laws of Utah 2021, Chapter 280
102 [59-2-506](#), as last amended by Laws of Utah 2017, Chapter 319
103 [59-2-511](#), as last amended by Laws of Utah 2007, Chapter 329
104 [59-2-1705](#), as last amended by Laws of Utah 2017, Chapter 319
105 [59-2-1710](#), as enacted by Laws of Utah 2012, Chapter 197
106 [59-13-201](#), as last amended by Laws of Utah 2021, Chapter 280
107 [59-21-2](#), as last amended by Laws of Utah 2021, Chapter 280
108 [59-28-103](#), as last amended by Laws of Utah 2021, Chapter 280
109 [63C-21-201](#), as last amended by Laws of Utah 2021, Chapter 280
110 [63C-21-202](#), as last amended by Laws of Utah 2021, Chapter 280
111 [63I-1-241](#), as last amended by Laws of Utah 2020, Chapters 84 and 154
112 [63I-1-263](#), as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,
113 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws
114 of Utah 2021, Chapter 382
115 [63I-1-273](#), as last amended by Laws of Utah 2021, Chapter 229
116 [63I-1-279](#), as last amended by Laws of Utah 2021, Chapter 280
117 [63I-2-204](#), as last amended by Laws of Utah 2018, Chapter 51
118 [63I-2-279](#), as enacted by Laws of Utah 2021, Chapter 280

- 119 **63J-1-601**, as last amended by Laws of Utah 2021, Chapter 280
- 120 **63J-1-602.2**, as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and
- 121 424
- 122 **63L-7-104**, as last amended by Laws of Utah 2021, Chapter 280
- 123 **63L-11-402**, as last amended by Laws of Utah 2021, Chapters 184, 280 and
- 124 renumbered and amended by Laws of Utah 2021, Chapter 382 and last amended by
- 125 Coordination Clause, Laws of Utah 2021, Chapter 382
- 126 **63N-3-602**, as enacted by Laws of Utah 2021, Chapter 411
- 127 **65A-3-1**, as last amended by Laws of Utah 2021, Chapter 280
- 128 **65A-10-2**, as last amended by Laws of Utah 2021, Chapter 280
- 129 **72-11-204**, as last amended by Laws of Utah 2021, Chapter 280
- 130 **73-3-31**, as last amended by Laws of Utah 2021, Chapter 280
- 131 **73-18-2**, as last amended by Laws of Utah 2021, Chapter 280
- 132 **73-18-3.5**, as last amended by Laws of Utah 2021, Chapter 280
- 133 **73-18-4**, as last amended by Laws of Utah 2021, Chapter 280
- 134 **73-18-7**, as last amended by Laws of Utah 2021, Chapters 135 and 280
- 135 **73-18-8**, as last amended by Laws of Utah 2021, Chapter 280
- 136 **73-18-11**, as last amended by Laws of Utah 2021, Chapter 280
- 137 **73-18-13**, as last amended by Laws of Utah 2021, Chapter 280
- 138 **73-18-13.5**, as last amended by Laws of Utah 2021, Chapter 280
- 139 **73-18-15**, as last amended by Laws of Utah 2021, Chapter 280
- 140 **73-18-16**, as last amended by Laws of Utah 2021, Chapter 280
- 141 **73-18a-1**, as last amended by Laws of Utah 2021, Chapter 280
- 142 **73-18a-4**, as last amended by Laws of Utah 2021, Chapter 280
- 143 **73-18a-5**, as last amended by Laws of Utah 2021, Chapter 280
- 144 **73-18a-12**, as last amended by Laws of Utah 2021, Chapter 280
- 145 **73-18b-1**, as last amended by Laws of Utah 2021, Chapter 280
- 146 **73-18c-102**, as last amended by Laws of Utah 2021, Chapter 280
- 147 **73-18c-201**, as last amended by Laws of Utah 2021, Chapter 280
- 148 **77-2-4.3**, as last amended by Laws of Utah 2021, Chapter 280
- 149 **78A-5-110**, as last amended by Laws of Utah 2021, Chapter 280

- 150 78A-7-120, as last amended by Laws of Utah 2021, Chapter 280
- 151 79-2-201, as last amended by Laws of Utah 2021, Chapters 280 and 382
- 152 79-2-202, as last amended by Laws of Utah 2020, Chapter 352
- 153 79-2-206, as enacted by Laws of Utah 2021, Chapter 280 and further amended by
- 154 Revisor Instructions, Laws of Utah 2021, Chapter 280
- 155 79-4-203, as last amended by Laws of Utah 2021, Chapter 280
- 156 79-4-1103, as last amended by Laws of Utah 2021, Chapter 282
- 157 79-5-102, as last amended by Laws of Utah 2021, Chapter 280
- 158 79-5-501, as last amended by Laws of Utah 2021, Chapter 280
- 159 79-5-503, as last amended by Laws of Utah 2011, Chapter 342
- 160 79-6-302, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 161 79-6-505, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 162 79-6-605, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 163 79-7-102, as enacted by Laws of Utah 2021, Chapter 280
- 164 79-7-201, as enacted by Laws of Utah 2021, Chapter 280
- 165 79-7-203, as enacted by Laws of Utah 2021, Chapter 280
- 166 79-8-102, as enacted by Laws of Utah 2021, Chapter 280
- 167 79-8-103, as enacted by Laws of Utah 2021, Chapter 280
- 168 79-8-106, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 169 79-8-201, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 170 79-8-202, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 171 79-8-302, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 172 79-8-303, as last amended by Laws of Utah 2021, Chapter 282 and renumbered and
- 173 amended by Laws of Utah 2021, Chapter 280 and last amended by Coordination
- 174 Clause, Laws of Utah 2021, Chapter 280
- 175 79-8-304, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 176 ENACTS:
- 177 4-46-101, Utah Code Annotated 1953
- 178 4-46-103, Utah Code Annotated 1953
- 179 4-46-104, Utah Code Annotated 1953
- 180 4-46-201, Utah Code Annotated 1953

- 181 **4-46-401**, Utah Code Annotated 1953
- 182 **4-46-402**, Utah Code Annotated 1953
- 183 **4-46-403**, Utah Code Annotated 1953
- 184 **79-1-104**, Utah Code Annotated 1953
- 185 **79-7-206**, Utah Code Annotated 1953

186 RENUMBERS AND AMENDS:

- 187 **4-46-102**, (Renumbered from 11-38-102, as last amended by Laws of Utah 2021,
- 188 Chapters 181 and 344)
- 189 **4-46-202**, (Renumbered from 11-38-202, as last amended by Laws of Utah 2021,
- 190 Chapter 181)
- 191 **4-46-301**, (Renumbered from 11-38-301, as last amended by Laws of Utah 2009,
- 192 Chapter 368)
- 193 **4-46-302**, (Renumbered from 11-38-302, as last amended by Laws of Utah 2021,
- 194 Chapter 181)
- 195 **4-46-303**, (Renumbered from 11-38-304, as last amended by Laws of Utah 2017,
- 196 Chapter 51)
- 197 **79-7-103**, (Renumbered from 63N-9-103, as renumbered and amended by Laws of Utah
- 198 2015, Chapter 283)
- 199 **79-7-303**, (Renumbered from 79-4-404, as renumbered and amended by Laws of Utah
- 200 2009, Chapter 344)
- 201 **79-8-401**, (Renumbered from 63N-9-202, as last amended by Laws of Utah 2021,
- 202 Chapter 280)
- 203 **79-8-402**, (Renumbered from 63N-9-203, as last amended by Laws of Utah 2021,
- 204 Chapter 282)

205 REPEALS:

- 206 **11-38-101**, as enacted by Laws of Utah 1999, Chapter 24
- 207 **11-38-201**, as last amended by Laws of Utah 2021, Chapter 382
- 208 **11-38-203**, as last amended by Laws of Utah 2021, Chapter 382
- 209 **63N-9-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 210 **63N-9-102**, as last amended by Laws of Utah 2021, Chapter 280
- 211 **63N-9-104**, as last amended by Laws of Utah 2021, Chapters 282 and 382

- 212 [63N-9-105](#), as last amended by Laws of Utah 2016, Chapter 88
- 213 [63N-9-106](#), as last amended by Laws of Utah 2021, Chapters 280 and 282
- 214 [63N-9-201](#), as enacted by Laws of Utah 2016, Chapter 88
- 215 [79-5-201](#), as last amended by Laws of Utah 2021, Chapter 280
- 216 [79-5-202](#), as last amended by Laws of Utah 2010, Chapters 256 and 286
- 217 [79-7-101](#), as enacted by Laws of Utah 2021, Chapter 280
- 218 [79-8-104](#), as enacted by Laws of Utah 2021, Chapter 280
- 219 [79-8-105](#), as renumbered and amended by Laws of Utah 2021, Chapter 280

Utah Code Sections Affected by Revisor Instructions:

- 221 [4-46-104](#), Utah Code Annotated 1953
- 222 [79-2-206](#), as enacted by Laws of Utah 2021, Chapter 280 and further amended by
- 223 Revisor Instructions, Laws of Utah 2021, Chapter 280

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-2-103** is amended to read:

4-2-103. Functions, powers, and duties of department -- Fees for services --

Marketing orders -- Procedure -- Purchasing and auditing.

(1) The department shall:

(a) inquire into and promote the interests and products of agriculture and allied industries;

(b) promote methods for increasing the production and facilitating the distribution of the agricultural products of the state;

(c) (i) inquire into the cause of contagious, infectious, and communicable diseases among livestock and the means for their prevention and cure; and

(ii) initiate, implement, and administer plans and programs to prevent the spread of diseases among livestock;

(d) encourage experiments designed to determine the best means and methods for the control of diseases among domestic and wild animals;

(e) issue marketing orders for any designated agricultural product to:

(i) promote orderly market conditions for any product;

(ii) give the producer a fair return on the producer's investment at the marketplace; and

- 243 (iii) only promote and not restrict or restrain the marketing of Utah agricultural
244 commodities;
- 245 (f) administer and enforce all laws assigned to the department by the Legislature;
- 246 (g) establish standards and grades for agricultural products and fix and collect
247 reasonable fees for services performed by the department in conjunction with the grading of
248 agricultural products;
- 249 (h) establish operational standards for any establishment that manufactures, processes,
250 produces, distributes, stores, sells, or offers for sale any agricultural product;
- 251 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
252 rules necessary for the effective administration of the agricultural laws of the state;
- 253 (j) when necessary, make investigations, subpoena witnesses and records, conduct
254 hearings, issue orders, and make recommendations concerning [aH] matters related to
255 agriculture;
- 256 (k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any
257 private or public place that may become infested or infected with harmful insects, plant
258 diseases, noxious or poisonous weeds, or other agricultural pests;
- 259 (ii) establish and enforce quarantines;
- 260 (iii) issue and enforce orders and rules for the control and eradication of pests,
261 wherever they may exist within the state; and
- 262 (iv) perform other duties relating to plants and plant products considered advisable and
263 not contrary to law;
- 264 (l) inspect apiaries for diseases inimical to bees and beekeeping;
- 265 (m) take charge of any agricultural exhibit within the state, if considered necessary by
266 the department, and award premiums at that exhibit;
- 267 (n) [assist] provide for the coordination of state conservation efforts, including by:
- 268 (i) assisting the Conservation Commission in the administration of [Title 4,] Chapter
269 18, Conservation Commission Act[~~, and administer and disburse any funds~~];
- 270 (ii) implementing Chapter 46, Conservation Coordination Act, including entering into
271 agreements with other state agencies; and
- 272 (iii) administering and disbursing money available to assist conservation districts in the
273 state in the conservation of the state's soil and water resources;

274 (o) participate in the United States Department of Agriculture certified agricultural
275 mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;

276 (p) promote and support the multiple use of public lands;

277 (q) ensure that any training or certification required of a public official or public
278 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
279 22, State Training and Certification Requirements, if the training or certification is required:

280 (i) under this title;

281 (ii) by the department; or

282 (iii) by an [~~agency or division~~] entity within the department; and

283 (r) perform any additional functions, powers, and duties provided by law.

284 (2) The department, by following the procedures and requirements of Section
285 [63J-1-504](#), may adopt a schedule of fees assessed for services provided by the department.

286 (3) (a) [~~No~~] A marketing order issued under Subsection (1)(e) [~~shall~~] may not take
287 effect until:

288 (i) the department gives notice of the proposed order to the producers and handlers of
289 the affected product;

290 (ii) the commissioner conducts a hearing on the proposed order; and

291 (iii) at least 50% of the registered producers and handlers of the affected products vote
292 in favor of the proposed order.

293 (b) (i) The department may establish boards of control to administer marketing orders
294 and the proceeds derived from any order.

295 (ii) A board of control shall:

296 (A) ensure that [~~all~~] proceeds are placed in an account in the board of control's name in
297 a depository institution; and

298 (B) ensure that the account is annually audited by an accountant approved by the
299 commissioner.

300 (4) [~~Funds~~] Money collected by grain grading, as provided by Subsection (1)(g), shall
301 be deposited into the General Fund as dedicated credits for the grain grading program.

302 (5) In fulfilling [~~its~~] the department's duties in this chapter, the department may:

303 (a) purchase, as authorized or required by law, services that the department is
304 responsible to provide for legally eligible persons;

305 (b) take necessary steps, including legal action, to recover money or the monetary value
306 of services provided to a recipient who is not eligible;

307 (c) examine and audit the expenditures of any public funds provided to a local
308 authority, agency, or organization that contracts with or receives funds from those authorities or
309 agencies; and

310 (d) accept and administer grants from the federal government and from other sources,
311 public or private.

312 Section 2. Section **4-18-102** is amended to read:

313 **4-18-102. Findings and declarations -- Duties.**

314 (1) [~~The~~] In addition to the policy provided in Section 4-46-101, the Legislature finds
315 and declares that:

316 (a) the soil and water resources of this state constitute one of the state's basic assets;
317 and

318 (b) the preservation of soil and water resources requires planning and programs to
319 ensure:

320 (i) the development and [~~utilization~~] use of soil and water resources; and

321 (ii) soil and water resources' protection from the adverse effects of wind and water
322 erosion, sediment, and sediment related pollutants.

323 (2) The Legislature finds that local production of food is essential for:

324 (a) the security of the state's food supply; and

325 (b) the self-sufficiency of the state's citizens.

326 (3) The Legislature finds that sustainable agriculture is critical to:

327 (a) the success of rural communities;

328 (b) the historical culture of the state;

329 (c) maintaining healthy farmland;

330 (d) maintaining high water quality;

331 (e) maintaining abundant wildlife;

332 (f) high-quality recreation for citizens of the state; and

333 (g) helping to stabilize the state economy.

334 (4) The Legislature finds that livestock grazing on public lands is important for the
335 proper management, maintenance, and health of public lands in the state.

336 (5) The Legislature encourages each agricultural producer in the state to operate in a
337 reasonable and responsible manner to maintain the integrity of soil, water, and air.

338 (6) The department shall administer the Utah Agriculture Certificate of Environmental
339 Stewardship Program, created in Section 4-18-107, to encourage each agricultural producer in
340 this state to operate in a reasonable and responsible manner to maintain the integrity of the
341 state's resources.

342 (7) The Legislature finds that soil health is essential to protecting the state's soil and
343 water resources, bolstering the state's food supply, and sustaining the state's agricultural
344 industry.

345 Section 3. Section 4-18-105 is amended to read:

346 **4-18-105. Conservation Commission -- Functions and duties.**

347 (1) The commission shall:

348 (a) facilitate the development and implementation of the strategies and programs
349 necessary to:

350 (i) protect, conserve, use, and develop the soil, water, and air resources of the state; and

351 (ii) promote the protection, integrity, and restoration of land for agricultural and other
352 beneficial purposes;

353 (b) disseminate information regarding districts' activities and programs;

354 (c) supervise the formation, reorganization, or dissolution of districts according to the
355 requirements of Title 17D, Chapter 3, Conservation District Act;

356 (d) prescribe uniform accounting and recordkeeping procedures for districts and
357 require each district to submit annually the information required in Section 17D-3-103;

358 (e) approve and make loans for agricultural purposes, through the loan advisory
359 ~~subcommittee~~ board described in Section 4-18-106, from the Agriculture Resource
360 Development Fund;

361 (f) seek to obtain and administer federal or state money in accordance with applicable
362 federal or state guidelines and make loans or grants from that money to an eligible entity, as
363 defined by the department by rule made in accordance with Title 63G, Chapter 3, Utah
364 Administrative Rulemaking Act, for the preservation of soil, water, and air resources, or for a
365 reason set forth in Section 4-18-108;

366 (g) seek to coordinate soil and water protection, conservation, and development

367 activities and programs of state agencies, local governmental units, other states, special interest
368 groups, and federal agencies; [~~and~~]

369 (h) when assigned by the governor, when required by contract with the Department of
370 Environmental Quality, or when required by contract with the United States Environmental
371 Protection Agency:

372 (i) develop programs for the prevention, control, or abatement of new or existing
373 pollution to the soil, water, or air of the state;

374 (ii) advise, consult, and cooperate with affected parties to further the purpose of this
375 chapter;

376 (iii) conduct studies, investigations, research, and demonstrations relating to
377 agricultural pollution issues;

378 (iv) give reasonable consideration in the exercise of its powers and duties to the
379 economic impact on sustainable agriculture;

380 (v) meet the requirements of federal law related to water and air pollution in the
381 exercise of the commission's powers and duties; and

382 (vi) establish administrative penalties relating to agricultural discharges as defined in
383 Section [4-18-103](#) that are proportional to the seriousness of the resulting environmental
384 harm[~~;~~]; and

385 (i) coordinate with the Division of Conservation created in Section [4-46-401](#).

386 (2) The commission may:

387 (a) employ, with the approval of the department, an administrator and necessary
388 technical experts and employees;

389 (b) execute contracts or other instruments necessary to exercise the commission's
390 powers;

391 (c) take necessary action to promote and enforce the purpose and findings of Section
392 [4-18-102](#);

393 (d) sue and be sued; and

394 (e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
395 Rulemaking Act, necessary to carry out the powers and duties described in Subsection (1) and
396 Subsections (2)(b) and (c).

397 Section 4. Section **4-46-101** is enacted to read:

CHAPTER 46. CONSERVATION COORDINATION ACT

Part 1. General Provisions

4-46-101. Policy.

It is the policy of this state that land conservation should be promoted to protect the state's agricultural industry and natural resources.

Section 5. Section ~~4-46-102~~, which is renumbered from Section 11-38-102 is renumbered and amended to read:

~~[11-38-102].~~ 4-46-102. Definitions.

As used in this chapter:

~~[(1) "Affordable housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the applicable municipal or county statistical area for households of the same size.]~~

~~[(2)]~~ (1) "Agricultural land" has the same meaning as "land in agricultural use" under Section ~~59-2-502~~.

~~[(3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial land where expansion or redevelopment is complicated by real or perceived environmental contamination.]~~

~~[(4)]~~ (2) [~~"Commission" means the Quality Growth Commission~~] "Board" means the Land Conservation Board established in Section [~~11-38-201~~] 4-46-201.

~~[(5) "Infill development" means residential, commercial, or industrial development on unused or underused land, excluding open land and agricultural land, within existing, otherwise developed urban areas.]~~

(3) "Conservation commission" means the Conservation Commission created in Section 4-18-104.

(4) "Conservation district" means a limited purpose local government entity created under Title 17D, Chapter 3, Conservation District Act.

(5) "Director" means the director of the Division of Conservation.

(6) "Division" means the Division of Conservation created in Section 4-46-401.

(7) "Land use authority" means:

(a) a land use authority, as defined in Section 10-9a-103, of a municipality; or

(b) a land use authority, as defined in Section 17-27a-103, of a county.

- 429 ~~[(6)]~~ (8) "Local entity" means a county, city, or town.
- 430 ~~[(7)]~~ (9) (a) "Open land" means land that is:
- 431 (i) preserved in or restored to a predominantly natural, open, and undeveloped
- 432 condition; and
- 433 (ii) used for:
- 434 (A) wildlife habitat;
- 435 (B) cultural or recreational use;
- 436 (C) watershed protection; or
- 437 (D) another use consistent with the preservation of the land in or restoration of the land
- 438 to a predominantly natural, open, and undeveloped condition.
- 439 (b) (i) "Open land" does not include land whose predominant use is as a developed
- 440 facility for active recreational activities, including baseball, tennis, soccer, golf, or other
- 441 sporting or similar activity.
- 442 (ii) The condition of land does not change from a natural, open, and undeveloped
- 443 condition because of the development or presence on the land of facilities, including trails,
- 444 waterways, and grassy areas, that:
- 445 (A) enhance the natural, scenic, or aesthetic qualities of the land; or
- 446 (B) facilitate the public's access to or use of the land for the enjoyment of ~~[its]~~ the
- 447 land's natural, scenic, or aesthetic qualities and for compatible recreational activities.
- 448 ~~[(8)]~~ (10) "Program" means the LeRay McAllister Critical Land Conservation Program
- 449 established in Section ~~[11-38-301]~~ [4-46-301](#).
- 450 ~~[(9)]~~ "Surplus land" means ~~real property owned by the Department of Government~~
- 451 ~~Operations, the Department of Agriculture and Food, the Department of Natural Resources, or~~
- 452 ~~the Department of Transportation that the individual department determines not to be necessary~~
- 453 ~~for carrying out the mission of the department.]~~
- 454 (11) (a) "State conservation efforts" includes:
- 455 (i) efforts to optimize and preserve the uses of land for the benefit of the state's
- 456 agricultural industry and natural resources; and
- 457 (ii) conservation of working landscapes that if conserved, preserves the state's
- 458 agricultural industry and natural resources, such as working agricultural land.
- 459 (b) "State conservation efforts" does not include the purpose of opening private

460 property to public access without the consent of the owner of the private property.

461 [~~(10)~~] (12) (a) "Working agricultural land" means agricultural land for which an owner
462 or producer engages in the activity of producing for commercial purposes crops, orchards,
463 livestock, poultry, aquaculture, livestock products, or poultry products and the facilities,
464 equipment, and property used to facilitate the activity.

465 (b) "Working agricultural land" includes an agricultural protection area established
466 under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials
467 Protection Areas.

468 Section 6. Section 4-46-103 is enacted to read:

469 **4-46-103. Application of chapter to wildlife issues.**

470 This chapter may not be construed or applied to supersede or interfere with the powers
471 and duties of the Division of Wildlife Resources or the Wildlife Board under Title 23, Wildlife
472 Resources Code of Utah, over:

- 473 (1) conservation and management of protected wildlife within the state;
- 474 (2) a program or initiative to restore and conserve habitat for fish and wildlife; or
- 475 (3) acquisition, ownership, management, and control of real property or a real property
476 interest, including a leasehold estate, an easement, a right-of-way, or a conservation easement.

477 Section 7. Section 4-46-104 is enacted to read:

478 **4-46-104. Transition.**

479 (1) A grant that is entered into or issued by the Quality Growth Commission on or
480 before July 1, 2022, remains in effect, except that:

- 481 (a) the agency administrating the grant shall be transferred to the board in the same
482 manner as the statutory responsibility is transferred under this bill; and
- 483 (b) the grant is subject to the terms of the grant and may be terminated under the terms
484 of the grant.
- 485 (2) In accordance with this bill, the department assumes the policymaking functions,
486 regulatory, and enforcement powers, rights, and duties of the Quality Growth Commission
487 existing on June 30, 2022.

488 Section 8. Section 4-46-201 is enacted to read:

489 **Part 2. Land Conservation Board**

490 **4-46-201. Land Conservation Board.**

- 491 (1) There is created a Land Conservation Board consisting of:
- 492 (a) the director of the Division of Conservation or the director's designee;
- 493 (b) the commissioner of the Department of Agriculture and Food or the commissioner's
- 494 designee;
- 495 (c) the executive director of the Governor's Office of Planning and Budget, or the
- 496 executive director's designee;
- 497 (d) four elected officials at the local government level, two of whom may not be
- 498 residents of a county of the first or second class; and
- 499 (e) seven persons from the profit and nonprofit private sector:
- 500 (i) two of whom may not be residents of a county of the first or second class;
- 501 (ii) one of whom shall be from the residential construction industry, nominated by an
- 502 association representing Utah home builders;
- 503 (iii) one of whom shall be from the real estate industry, nominated by an association
- 504 representing Utah realtors;
- 505 (iv) one representative of an association representing farmers, selected from a list of
- 506 nominees submitted by at least one association representing farmers;
- 507 (v) one representative of an association representing cattlemen, selected from a list of
- 508 nominees submitted by at least one association representing cattlemen;
- 509 (vi) one representative of an association representing wool growers, selected from a list
- 510 of nominees submitted by at least one association representing wool growers;
- 511 (vii) one representative of land trusts; and
- 512 (viii) one representative of an association representing conservation districts created
- 513 under Title 17D, Chapter 3, Conservation District Act, selected from a list of nominees
- 514 submitted by at least one association representing conservation districts.
- 515 (2) (a) The governor shall appoint a board member under Subsection (1)(d) or (e) with
- 516 the advice and consent of the Senate.
- 517 (b) The governor shall select:
- 518 (i) two of the four members under Subsection (1)(d) from a list of names provided by
- 519 the Utah League of Cities and Towns; and
- 520 (ii) two of the four members under Subsection (1)(d) from a list of names provided by
- 521 the Utah Association of Counties.

522 (3) (a) The term of office of a member appointed under Subsection (1)(d) or (e) is four
523 years.

524 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
525 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
526 board members are staggered so that approximately half of the board is appointed every two
527 years.

528 (c) A member of the board appointed under Subsection (1)(d) or (e) may not serve
529 more than two consecutive four-year terms.

530 (4) A mid-term vacancy shall be filled for the unexpired term in the same manner as an
531 appointment under Subsection (2).

532 (5) (a) Subject to Subsection (5)(b), board members shall elect a chair from their
533 number and establish rules for the organization and operation of the board.

534 (b) The board member who is chair may not vote during the board member's tenure as
535 chair, except the chair may vote if there is a tie vote of board members.

536 (6) A member may not receive compensation or benefits for the member's service, but
537 may receive per diem and travel expenses in accordance with:

538 (a) Section [63A-3-106](#);

539 (b) Section [63A-3-107](#); and

540 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
541 [63A-3-107](#).

542 (7) A member is not required to give bond for the performance of official duties.

543 (8) Staff services to the board shall be provided by the Division of Conservation.

544 Section 9. Section ~~4-46-202~~, which is renumbered from Section 11-38-202 is
545 renumbered and amended to read:

546 ~~[11-38-202].~~ **4-46-202. Board duties and powers -- No regulatory**
547 **authority -- Criteria.**

548 (1) The ~~[commission]~~ board shall:

549 ~~[(a) make recommendations to the Legislature on how to define more specifically~~
550 ~~quality growth areas within the general guidelines provided to the commission by the~~
551 ~~Legislature;]~~

552 ~~[(b) advise the Legislature on growth management issues;]~~

553 ~~[(c) make recommendations to the Legislature on refinements to this chapter;]~~
 554 ~~[(d) conduct a review in 2002 and each year thereafter to determine progress statewide~~
 555 ~~on accomplishing the purposes of this chapter, and give a report of each review to the Political~~
 556 ~~Subdivisions Interim Committee of the Legislature by November 30 of the year of the review;]~~
 557 ~~[(e)]~~ (a) administer the program as provided in this chapter; and
 558 ~~[(f) assist as many local entities as possible, at their request, to identify principles of~~
 559 ~~growth that the local entity may consider implementing to help achieve the highest possible~~
 560 ~~quality of growth for that entity;]~~
 561 ~~[(g)]~~ (b) fulfill other responsibilities imposed on the ~~[commission]~~ board by the
 562 Legislature~~;~~ and].
 563 ~~[(h) fulfill all other duties imposed on the commission by this chapter.]~~
 564 ~~[(2) The commission may sell, lease, or otherwise dispose of equipment or personal~~
 565 ~~property belonging to the program, the proceeds from which shall return to the fund.]~~
 566 ~~[(3)]~~ (2) The ~~[commission]~~ board may not exercise any regulatory authority.
 567 ~~[(4)]~~ (3) In carrying out the ~~[commission's]~~ board's powers and duties under this
 568 chapter, the ~~[commission]~~ board shall adopt ranking criteria that is substantially similar to the
 569 ranking criteria used by the Agriculture Conservation Easement Program and Agriculture Land
 570 Easement as determined by the Natural Resources Conservation Service under the United
 571 States Department of Agriculture.

572 Section 10. Section ~~4-46-301~~, which is renumbered from Section 11-38-301 is
 573 renumbered and amended to read:

574 **Part 3. LeRay McAllister Critical Land Conservation Program**

575 ~~[11-38-301].~~ **4-46-301. LeRay McAllister Critical Land Conservation**
 576 **Program.**

577 (1) There is created a program entitled the "LeRay McAllister Critical Land
 578 Conservation Program."

579 (2) Funding for the program shall be a line item in the budget of the~~[Quality Growth~~
 580 ~~Commission]~~ board. The line item shall be nonlapsing.

581 Section 11. Section ~~4-46-302~~, which is renumbered from Section 11-38-302 is
 582 renumbered and amended to read:

583 ~~[11-38-302].~~ **4-46-302. Use of money in program -- Criteria --**

584 **Administration.**

585 (1) Subject to Subsection (2), the [~~commission~~] board may authorize the use of money
586 in the program, by grant, to:

587 (a) a local entity;

588 (b) the Department of Natural Resources created under Section 79-2-201;

589 (c) [~~the Department of Agriculture and Food created under Section 4-2-102~~] an entity
590 within the department; or

591 (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3),
592 Internal Revenue Code.

593 (2) (a) The money in the program shall be used for preserving or restoring open land
594 and agricultural land.

595 (b) (i) Except as provided in Subsection (2)(b)(ii), money from the program may not be
596 used to purchase a fee interest in real property [~~in order~~] to preserve open land or agricultural
597 land, but may be used to establish a conservation easement under Title 57, Chapter 18, Land
598 Conservation Easement Act, or to fund similar methods to preserve open land or agricultural
599 land.

600 (ii) Notwithstanding Subsection (2)(b)(i), money from the [~~fund~~] program may be used
601 to purchase a fee interest in real property to preserve open land or agricultural land if:

602 (A) the parcel to be purchased is no more than 20 acres in size; and

603 (B) with respect to a parcel purchased in a county in which over 50% of the land area is
604 publicly owned, real property roughly equivalent in size and located within that county is
605 contemporaneously transferred to private ownership from the governmental entity that
606 purchased the fee interest in real property.

607 (iii) Eminent domain may not be used or threatened in connection with any purchase
608 using money from the program.

609 (iv) A parcel of land larger than 20 acres in size may not be divided into separate
610 parcels smaller than 20 acres each to meet the requirement of Subsection (2)(b)(ii).

611 (c) A local entity, department, or organization under Subsection (1) may not receive
612 money from the program unless the local entity, department, or organization provides matching
613 funds equal to or greater than the amount of money received from the program.

614 (d) In granting money from the program, the [~~commission~~] board may impose

615 conditions on the recipient as to how the money is to be spent.

616 (e) The [~~commission~~] board shall give priority to:

617 (i) working agricultural land; and

618 (ii) after giving priority to working agricultural land under Subsection (2)(e)(i),
619 requests from the Department of Natural Resources for up to 20% of each annual increase in
620 the amount of money in the program if the money is used for the protection of wildlife or
621 watershed.

622 (f) (i) The [~~commission~~] board may not make a grant from the program that exceeds
623 \$1,000,000 until after making a report to the Legislative Management Committee about the
624 grant.

625 (ii) The Legislative Management Committee may make a recommendation to the
626 [~~commission~~] board concerning the intended grant, but the recommendation is not binding on
627 the [~~commission~~] board.

628 (3) In determining the amount and type of financial assistance to provide [~~an~~] a local
629 entity, department, or organization under Subsection (1) and subject to Subsection (2)(f), the
630 [~~commission~~] board shall consider:

631 (a) the nature and amount of open land and agricultural land proposed to be preserved
632 or restored;

633 (b) the qualities of the open land and agricultural land proposed to be preserved or
634 restored;

635 (c) the cost effectiveness of the project to preserve or restore open land or agricultural
636 land;

637 (d) the funds available;

638 (e) the number of actual and potential applications for financial assistance and the
639 amount of money sought by those applications;

640 (f) the open land preservation plan of the local entity where the project is located and
641 the priority placed on the project by that local entity;

642 (g) the effects on housing affordability and diversity; and

643 (h) whether the project protects against the loss of private property ownership.

644 (4) If a local entity, department, or organization under Subsection (1) seeks money
645 from the program for a project whose purpose is to protect critical watershed, the [~~commission~~]

646 board shall require that the needs and quality of that project be verified by the state engineer.

647 (5) An interest in real property purchased with money from the program shall be held
648 and administered by the state or a local entity.

649 (6) (a) The board may not authorize the use of money under this section for a project
650 unless the land use authority for the land in which the project is located consents to the project.

651 (b) To obtain consent to a project, the person who is seeking money from the program
652 shall submit a request for consent to a project with the applicable land use authority. The land
653 use authority may grant or deny consent. If the land use authority does not take action within 60
654 days from the day on which the request for consent is filed with the land use authority under
655 this Subsection (6), the board shall treat the project as having the consent of the land use
656 authority.

657 (c) An action of a land use authority under this Subsection (6) is not a land use decision
658 subject to:

659 (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

660 (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

661 Section 12. Section ~~4-46-303~~, which is renumbered from Section 11-38-304 is
662 renumbered and amended to read:

663 ~~[11-38-304].~~ **4-46-303. Board to report annually.**

664 The ~~[commission]~~ board shall submit an annual report to the Infrastructure and General
665 Government and Natural Resources, Agriculture, and Environmental Quality Appropriations
666 Subcommittees:

667 (1) specifying the amount of each disbursement from the program;

668 (2) identifying the recipient of each disbursement and describing the project for which
669 money was disbursed; and

670 (3) detailing the conditions, if any, placed by the ~~[commission]~~ board on disbursements
671 from the program.

672 Section 13. Section ~~4-46-401~~ is enacted to read:

673 **Part 4. Division of Conservation**

674 **4-46-401. Division of Conservation created -- Director.**

675 (1) Within the department there is created the Division of Conservation.

676 (2) (a) The director is the executive and administrative head of the division.

677 (b) The director shall administer this part subject to the administration and general
678 supervision of the commissioner.

679 (3) The division shall coordinate state conservation efforts by:

680 (a) staffing the board created in Section 4-46-201;

681 (b) coordinating with a conservation district in accordance with Section 4-46-402;

682 (c) coordinating with an agency or division within the department, the Department of
683 Natural Resources, other state agencies, counties, cities, towns, local land trust entities, and
684 federal agencies;

685 (d) facilitating obtaining federal funds in addition to state funds used for state
686 conservation efforts;

687 (e) monitoring and providing for the management of conservation easements on state
688 lands, including coordination with the Division of Wildlife Resources in the Division of
689 Wildlife Resources' administration of Section 23-14-14.2; and

690 (f) implementing rules made by the department in accordance with Title 63G, Chapter
691 3, Utah Administrative Rulemaking Act, and Section 4-46-403.

692 (4) The division may cooperate with, or enter into agreements with, other agencies of
693 this state and federal agencies in the administration and enforcement of this chapter.

694 Section 14. Section 4-46-402 is enacted to read:

695 **4-46-402. Training -- Coordination with conservation districts.**

696 (1) The division shall provide training to the conservation commission concerning:

697 (a) funding state conservation efforts; and

698 (b) coordinating state conservation efforts.

699 (2) The division shall work with the conservation commission in coordinating with a
700 conservation district.

701 Section 15. Section 4-46-403 is enacted to read:

702 **4-46-403. Conservation rules.**

703 The department may make rules, in accordance with Title 63G, Chapter 3, Utah
704 Administrative Rulemaking Act, to:

705 (1) establish requirements for the training described in Section 4-46-402; and

706 (2) establish the procedures the division shall follow in coordinating state conservation
707 efforts.

708 Section 16. Section 9-9-112 is amended to read:

709 **9-9-112. Bears Ears Visitor Center Advisory Committee.**

710 (1) Utah extends an invitation to the Navajo Nation, the Ute Mountain Ute Tribe, the
711 Hopi Nation, the Zuni Tribe, and the Ute Indian Tribe of the Uintah Ouray to form an advisory
712 committee for the purpose of exploring the feasibility, location, functions, and other important
713 matters surrounding the creation of a visitor center at Bears Ears.

714 (2) As used in this section:

715 (a) "Advisory committee" means the Bears Ears Visitor Center Advisory Committee
716 created by this section.

717 (b) "Bears Ears" means the Bears Ears National Monument.

718 (3) (a) Subject to Subsection (3)(b), there is created the Bears Ears Visitor Center
719 Advisory Committee consisting of the following eight members:

720 (i) five voting members as follows:

721 (A) a representative of the Navajo Nation, appointed by the Navajo Nation;

722 (B) a representative of the Ute Mountain Ute Tribe, appointed by the Ute Mountain
723 Ute Tribe;

724 (C) a representative of the Hopi Nation, appointed by the Hopi Nation;

725 (D) a representative of the Zuni Tribe, appointed by the Zuni Tribe; and

726 (E) a representative of the Ute Indian Tribe of the Uintah Ouray, appointed by the Ute
727 Indian Tribe of the Uintah Ouray; and

728 (ii) subject to Subsection (4), three nonvoting members as follows:

729 (A) one member of the Senate, appointed by the president of the Senate; and

730 (B) two members of the House of Representatives, appointed by the speaker of the
731 House of Representatives.

732 (b) The advisory committee is formed when all of the tribes described in Subsection (1)
733 have communicated to the other tribes and to the Division of Indian Affairs that the tribe has
734 appointed a member to the advisory committee.

735 (4) At least one of the three legislative members appointed under Subsection (3)(a)(ii)
736 shall be from a minority party.

737 (5) The advisory committee may select from the advisory committee members the chair
738 or other officers of the advisory committee.

739 (6) (a) If a vacancy occurs in the membership of the advisory committee appointed
740 under Subsection (3), the member shall be replaced in the same manner in which the original
741 appointment was made.

742 (b) A member appointed under Subsection (3) serves until the member's successor is
743 appointed and qualified.

744 (7) (a) A majority of the voting members of the advisory committee constitutes a
745 quorum.

746 (b) The action of a majority of a quorum constitutes an action of the advisory
747 committee.

748 (8) (a) The salary and expenses of an advisory committee member who is a legislator
749 shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative
750 Compensation and Expenses.

751 (b) An advisory committee member who is not a legislator may not receive
752 compensation or benefits for the member's service on the advisory committee, but may receive
753 per diem and reimbursement for travel expenses incurred as an advisory committee member at
754 the rates established by the Division of Finance under:

755 (i) Sections 63A-3-106 and 63A-3-107; and

756 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
757 63A-3-107.

758 (9) The advisory committee may invite the United States Forest Service, the Bureau of
759 Land Management, the Division of State Parks, the Division of Outdoor Recreation, and the
760 Utah Office of Tourism within the Governor's Office of Economic Opportunity, to serve as
761 technical advisors to the advisory committee.

762 (10) The Division of Indian Affairs shall staff the advisory committee.

763 (11) The advisory committee shall study and make recommendations concerning:

764 (a) the need for a visitor center associated with Bears Ears;

765 (b) the feasibility of a visitor center associated with Bears Ears, including investigating:

766 (i) potential locations for the visitor center;

767 (ii) purposes for the visitor center; and

768 (iii) sources of funding to build and maintain the visitor center;

769 (c) whether a visitor center will increase visitorship to Bears Ears; and

770 (d) whether a visitor center at Bears Ears could function as a repository of traditional
771 knowledge and practices.

772 (12) The advisory committee may contract with one or more consultants to conduct
773 work related to the issues raised in Subsection (11) if the Legislature appropriates money
774 expressly for the purpose of the advisory committee contracting with a consultant.

775 (13) The advisory committee shall hold at least one public hearing to obtain public
776 comment on the creation of a Bears Ears visitor center.

777 (14) The advisory committee shall report the advisory committee's recommendations to
778 one or more of the following:

779 (a) the Economic Development and Workforce Services Interim Committee;

780 (b) the House Economic Development and Workforce Services Committee; or

781 (c) the Senate Economic Development and Workforce Services Committee.

782 Section 17. Section **23-14-14.2** is amended to read:

783 **23-14-14.2. Wildlife Resources Conservation Easement Restricted Account.**

784 (1) There is created within the General Fund a restricted account known as the
785 "Wildlife Resources Conservation Easement Account."

786 (2) The Wildlife Resources Conservation Easement Account consists of:

787 (a) grants from private foundations;

788 (b) grants from local governments, the state, or the federal government;

789 (c) grants from the [~~Quality Growth Commission~~] Land Conservation Board created
790 under Section [~~11-38-201~~] 4-46-201;

791 (d) donations from landowners for monitoring and managing conservation easements;

792 (e) donations from any other person; and

793 (f) interest on account money.

794 (3) Upon appropriation by the Legislature, the Division of Wildlife Resources shall use
795 money from the account to monitor and manage conservation easements held by the division.

796 (4) The division may not receive or expend donations from the account to acquire
797 conservation easements.

798 Section 18. Section **35A-8-2105** is amended to read:

799 **35A-8-2105. Allocation of volume cap.**

800 (1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed

801 by the board of review to the allotment accounts as described in Section 35A-8-2106.

802 (b) The board of review may distribute up to 50% of each increase in the volume cap
803 for use in development that occurs in quality growth areas, depending upon the board's analysis
804 of the relative need for additional volume cap between development in quality growth areas
805 and the allotment accounts under Section 35A-8-2106.

806 (2) To obtain an allocation of the volume cap, issuing authorities shall submit to the
807 board of review an application containing information required by the procedures and
808 processes of the board of review.

809 (3) (a) The board of review shall establish criteria for making allocations of volume
810 cap that are consistent with the purposes of the code and this part.

811 (b) In making an allocation of volume cap the board of review shall consider the
812 following:

813 (i) the principal amount of the bonds proposed to be issued;

814 (ii) the nature and the location of the project or the type of program;

815 (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;

816 (iv) whether the project or program could obtain adequate financing without an
817 allocation of volume cap;

818 (v) the degree to which an allocation of volume cap is required for the project or
819 program to proceed or continue;

820 (vi) the social, health, economic, and educational effects of the project or program on
821 the local community and state as a whole;

822 (vii) the anticipated economic development created or retained within the local
823 community and the state as a whole;

824 (viii) the anticipated number of jobs, both temporary and permanent, created or
825 retained within the local community and the state as a whole; and

826 (ix) if the project is a residential rental project, the degree to which the residential
827 rental project:

828 (A) targets lower income populations; and

829 (B) is accessible housing[~~;~~and].

830 [~~(x) whether the project meets the principles of quality growth recommended by the~~
831 ~~Quality Growth Commission created in Section 11-38-201.~~]

832 (4) The board of review shall provide evidence of an allocation of volume cap by
833 issuing a certificate in accordance with Section 35A-8-2107.

834 (5) (a) From January 1 to June 30 of each year, the board of review shall set aside at
835 least 50% of the Small Issue Bond Account that may only be allocated to manufacturing
836 projects.

837 (b) From July 1 to August 15 of each year, the board of review shall set aside at least
838 50% of the Pool Account that may only be allocated to manufacturing projects.

839 Section 19. Section 41-1a-418 is amended to read:

840 **41-1a-418. Authorized special group license plates.**

841 (1) The division shall only issue special group license plates in accordance with this
842 section through Section 41-1a-422 to a person who is specified under this section within the
843 categories listed as follows:

844 (a) disability special group license plates issued in accordance with Section 41-1a-420;

845 (b) honor special group license plates, as in a war hero, which plates are issued for a:

846 (i) survivor of the Japanese attack on Pearl Harbor;

847 (ii) former prisoner of war;

848 (iii) recipient of a Purple Heart;

849 (iv) disabled veteran;

850 (v) recipient of a gold star award issued by the United States Secretary of Defense; or

851 (vi) recipient of a campaign or combat theater award determined by the Department of
852 Veterans and Military Affairs;

853 (c) unique vehicle type special group license plates, as for historical, collectors value,
854 or other unique vehicle type, which plates are issued for:

855 (i) a special interest vehicle;

856 (ii) a vintage vehicle;

857 (iii) a farm truck; or

858 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as
859 defined in Section 59-13-102; or

860 (B) beginning on the effective date of rules made by the Department of Transportation
861 authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle
862 powered by clean fuel that meets the standards established by the Department of Transportation

863 in rules authorized under Subsection 41-6a-702(5)(b);

864 (d) recognition special group license plates, which plates are issued for:

865 (i) a current member of the Legislature;

866 (ii) a current member of the United States Congress;

867 (iii) a current member of the National Guard;

868 (iv) a licensed amateur radio operator;

869 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;

870 (vi) an emergency medical technician;

871 (vii) a current member of a search and rescue team;

872 (viii) a current honorary consulate designated by the United States Department of

873 State;

874 (ix) an individual supporting commemoration and recognition of women's suffrage;

875 (x) an individual supporting a fraternal, initiatic order for those sharing moral and

876 metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love,

877 relief, and truth;

878 (xi) an individual supporting the Utah Wing of the Civil Air Patrol; or

879 (xii) an individual supporting the recognition and continuation of the work and life of

880 Dr. Martin Luther King, Jr.; or

881 (e) support special group license plates, as for a contributor to an institution or cause,

882 which plates are issued for a contributor to:

883 (i) an institution's scholastic scholarship fund;

884 (ii) the Division of Wildlife Resources;

885 (iii) the Department of Veterans and Military Affairs;

886 (iv) [~~the Division of State Parks or~~] the Division of Outdoor Recreation;

887 (v) the Department of Agriculture and Food;

888 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;

889 (vii) the Boy Scouts of America;

890 (viii) spay and neuter programs through No More Homeless Pets in Utah;

891 (ix) the Boys and Girls Clubs of America;

892 (x) Utah public education;

893 (xi) programs that provide support to organizations that create affordable housing for

894 those in severe need through the Division of Real Estate;
895 (xii) the Department of Public Safety;
896 (xiii) programs that support Zion National Park;
897 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
898 organizations;
899 (xv) programs that promote bicycle operation and safety awareness;
900 (xvi) programs that conduct or support cancer research;
901 (xvii) programs that create or support autism awareness;
902 (xviii) programs that create or support humanitarian service and educational and
903 cultural exchanges;
904 (xix) until September 30, 2017, programs that conduct or support prostate cancer
905 awareness, screening, detection, or prevention;
906 (xx) programs that support and promote adoptions;
907 (xxi) programs that support issues affecting women and children through an
908 organization affiliated with a national professional men's basketball organization;
909 (xxii) programs that strengthen youth soccer, build communities, and promote
910 environmental sustainability through an organization affiliated with a professional men's soccer
911 organization;
912 (xxiii) programs that support children with heart disease;
913 (xxiv) programs that support the operation and maintenance of the Utah Law
914 Enforcement Memorial;
915 (xxv) programs that provide assistance to children with cancer;
916 (xxvi) programs that promote leadership and career development through agricultural
917 education;
918 (xxvii) the Utah State Historical Society;
919 (xxviii) programs to transport veterans to visit memorials honoring the service and
920 sacrifices of veterans;
921 (xxix) programs that promote motorcycle safety awareness;
922 (xxx) organizations that promote clean air through partnership, education, and
923 awareness;
924 (xxx) programs dedicated to strengthening the state's Latino community through

925 education, mentoring, and leadership opportunities;

926 (xxxii) organizations dedicated to facilitating, connecting, registering, and advocating
927 for organ donors and donor families; or

928 (xxxiii) public education on behalf of the Kiwanis International clubs.

929 (2) (a) The division may not issue a new type of special group license plate or decal
930 unless the division receives:

931 (i) (A) a private donation for the start-up fee established under Section 63J-1-504 for
932 the production and administrative costs of providing the new special group license plates or
933 decals; or

934 (B) a legislative appropriation for the start-up fee provided under Subsection
935 (2)(a)(i)(A); and

936 (ii) beginning on January 1, 2012, and for the issuance of a support special group
937 license plate authorized in Section 41-1a-422, at least 500 completed applications for the new
938 type of support special group license plate or decal to be issued with all fees required under this
939 part for the support special group license plate or decal issuance paid by each applicant.

940 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
941 hold applications for support special group license plates or decals authorized in Section
942 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

943 (ii) Once a participating organization has received at least 500 applications, it shall
944 submit the applications, along with the necessary fees, to the division for the division to begin
945 working on the design and issuance of the new type of support special group license plate or
946 decal to be issued.

947 (iii) Beginning on January 1, 2012, the division may not work on the issuance or design
948 of a new support special group license plate or decal authorized in Section 41-1a-422 until the
949 applications and fees required under this Subsection (2) have been received by the division.

950 (iv) The division shall begin issuance of a new support special group license plate or
951 decal authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months
952 after receiving the applications and fees required under this Subsection (2).

953 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
954 registration of a motor vehicle that has been issued a firefighter recognition special group
955 license plate unless the applicant is a contributor as defined in Subsection

956 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

957 (ii) A registered owner of a vehicle that has been issued a firefighter recognition
958 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle
959 registration shall:

960 (A) be a contributor to the Firefighter Support Restricted Account as required under
961 Subsection (2)(c)(i); or

962 (B) replace the firefighter recognition special group license plate with a new license
963 plate.

964 (3) Beginning on July 1, 2011, if a support special group license plate or decal type
965 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500
966 license plates issued each year for a three consecutive year time period that begins on July 1,
967 the division may not issue that type of support special group license plate or decal to a new
968 applicant beginning on January 1 of the following calendar year after the three consecutive year
969 time period for which that type of support special group license plate or decal has fewer than
970 500 license plates issued each year.

971 (4) Beginning on July 1, 2011, the division may not issue to an applicant a unique
972 vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

973 (5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer
974 support special group license plate.

975 (b) A registered owner of a vehicle that has been issued a prostate cancer support
976 special group license plate before October 1, 2017, may renew the owner's motor vehicle
977 registration, with the contribution allocated as described in Section 41-1a-422.

978 Section 20. Section 41-1a-422 is amended to read:

979 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
980 **contribution collection procedures.**

981 (1) As used in this section:

982 (a) (i) except as provided in Subsection (1)(a)(ii), "contributor" means a person who has
983 donated or in whose name at least \$25 has been donated to:

984 (A) a scholastic scholarship fund of a single named institution;

985 (B) the Department of Veterans and Military Affairs for veterans programs;

986 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in

987 Section [23-14-13](#), for conservation of wildlife and the enhancement, preservation, protection,
988 access, and management of wildlife habitat;

989 (D) the Department of Agriculture and Food for the benefit of conservation districts;

990 (E) the Division of Outdoor Recreation for the benefit of snowmobile programs;

991 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
992 the donation evenly divided between the two;

993 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
994 council as specified by the contributor;

995 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
996 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

997 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
998 development programs;

999 (J) the Utah Association of Public School Foundations to support public education;

1000 (K) the Utah Housing Opportunity Restricted Account created in Section [61-2-204](#) to
1001 assist people who have severe housing needs;

1002 (L) the Public Safety Honoring Heroes Restricted Account created in Section [53-1-118](#)
1003 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
1004 Safety employees;

1005 (M) the Division of [~~State Parks~~] Outdoor Recreation for distribution to organizations
1006 that provide support for Zion National Park;

1007 (N) the Firefighter Support Restricted Account created in Section [53-7-109](#) to support
1008 firefighter organizations;

1009 (O) the Share the Road Bicycle Support Restricted Account created in Section
1010 [72-2-127](#) to support bicycle operation and safety awareness programs;

1011 (P) the Cancer Research Restricted Account created in Section [26-21a-302](#) to support
1012 cancer research programs;

1013 (Q) Autism Awareness Restricted Account created in Section [53F-9-401](#) to support
1014 autism awareness programs;

1015 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
1016 created in Section [9-17-102](#) to support humanitarian service and educational and cultural
1017 programs;

1018 (S) Upon renewal of a prostate cancer support special group license plate, to the Cancer
1019 Research Restricted Account created in Section 26-21a-302 to support cancer research
1020 programs;

1021 (T) the Choose Life Adoption Support Restricted Account created in Section
1022 62A-4a-608 to support programs that promote adoption;

1023 (U) the National Professional Men's Basketball Team Support of Women and Children
1024 Issues Restricted Account created in Section 62A-1-202;

1025 (V) the Utah Law Enforcement Memorial Support Restricted Account created in
1026 Section 53-1-120;

1027 (W) the Children with Cancer Support Restricted Account created in Section
1028 26-21a-304 for programs that provide assistance to children with cancer;

1029 (X) the National Professional Men's Soccer Team Support of Building Communities
1030 Restricted Account created in Section 9-19-102;

1031 (Y) the Children with Heart Disease Support Restricted Account created in Section
1032 26-58-102;

1033 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education
1034 and Leadership Restricted Account created in Section 4-42-102;

1035 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting
1036 Ranges Restricted Account created in Section 23-14-13.5, for the creation of new, and
1037 operation and maintenance of existing, state-owned firearm shooting ranges;

1038 (BB) the Utah State Historical Society to further the mission and purpose of the Utah
1039 State Historical Society;

1040 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section
1041 72-2-130;

1042 (DD) the Transportation of Veterans to Memorials Support Restricted Account created
1043 in Section 71-14-102;

1044 (EE) clean air support causes, with half of the donation deposited into the Clean Air
1045 Support Restricted Account created in Section 19-1-109, and half of the donation deposited
1046 into the Clean Air Fund created in Section 59-10-1319;

1047 (FF) the Latino Community Support Restricted Account created in Section 13-1-16;

1048 (GG) the Allyson Gamble Organ Donation Contribution Fund created in Section

1049 26-18b-101; or

1050 (HH) public education on behalf of the Kiwanis International clubs, with the amount of
1051 the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support
1052 special group plates, as determined by the State Tax Commission, deposited into the Kiwanis
1053 Education Support Fund created in Section 53F-9-403, and all remaining donation amounts
1054 deposited into the Education Fund.

1055 (ii) (A) For a veterans special group license plate described in Subsection (4) or
1056 41-1a-421(1)(a)(v) [~~or 41-1a-422(4)~~], "contributor" means a person who has donated or in
1057 whose name at least a \$25 donation at the time of application and \$10 annual donation
1058 thereafter has been made.

1059 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
1060 person who:

1061 (I) has donated or in whose name at least \$30 has been donated at the time of
1062 application and annually after the time of application; and

1063 (II) is a member of a trade organization for real estate licensees that has more than
1064 15,000 Utah members.

1065 (C) For an Honoring Heroes special group license plate, "contributor" means a person
1066 who has donated or in whose name at least \$35 has been donated at the time of application and
1067 annually thereafter.

1068 (D) For a firefighter support special group license plate, "contributor" means a person
1069 who:

1070 (I) has donated or in whose name at least \$15 has been donated at the time of
1071 application and annually after the time of application; and

1072 (II) is a currently employed, volunteer, or retired firefighter.

1073 (E) For a cancer research special group license plate, "contributor" means a person who
1074 has donated or in whose name at least \$35 has been donated at the time of application and
1075 annually after the time of application.

1076 (F) For a Utah Law Enforcement Memorial Support special group license plate,
1077 "contributor" means a person who has donated or in whose name at least \$35 has been donated
1078 at the time of application and annually thereafter.

1079 (b) "Institution" means a state institution of higher education as defined under Section

1080 53B-3-102 or a private institution of higher education in the state accredited by a regional or
1081 national accrediting agency recognized by the United States Department of Education.

1082 (2) (a) An applicant for original or renewal collegiate special group license plates under
1083 Subsection (1)(a)(i) must be a contributor to the institution named in the application and
1084 present the original contribution verification form under Subsection (2)(b) or make a
1085 contribution to the division at the time of application under Subsection (3).

1086 (b) An institution with a support special group license plate shall issue to a contributor
1087 a verification form designed by the commission containing:

1088 (i) the name of the contributor;

1089 (ii) the institution to which a donation was made;

1090 (iii) the date of the donation; and

1091 (iv) an attestation that the donation was for a scholastic scholarship.

1092 (c) The state auditor may audit each institution to verify that the money collected by the
1093 institutions from contributors is used for scholastic scholarships.

1094 (d) After an applicant has been issued collegiate license plates or renewal decals, the
1095 commission shall charge the institution whose plate was issued, a fee determined in accordance
1096 with Section 63J-1-504 for management and administrative expenses incurred in issuing and
1097 renewing the collegiate license plates.

1098 (e) If the contribution is made at the time of application, the contribution shall be
1099 collected, treated, and deposited as provided under Subsection (3).

1100 (3) (a) An applicant for original or renewal support special group license plates under
1101 this section must be a contributor to the sponsoring organization associated with the license
1102 plate.

1103 (b) This contribution shall be:

1104 (i) unless collected by the named institution under Subsection (2), collected by the
1105 division;

1106 (ii) considered a voluntary contribution for the funding of the activities specified under
1107 this section and not a motor vehicle registration fee;

1108 (iii) deposited into the appropriate account less actual administrative costs associated
1109 with issuing the license plates; and

1110 (iv) for a firefighter special group license plate, deposited into the appropriate account

1111 less:

1112 (A) the costs of reordering firefighter special group license plate decals; and

1113 (B) the costs of replacing recognition special group license plates with new license
1114 plates under Subsection 41-1a-1211(13).

1115 (c) The donation described in Subsection (1)(a) must be made in the 12 months [prior
1116 to] before registration or renewal of registration.

1117 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
1118 the division when issuing original:

1119 (i) snowmobile license plates; or

1120 (ii) conservation license plates.

1121 (4) Veterans license plates shall display one of the symbols representing the Army,
1122 Navy, Air Force, Marines, Coast Guard, or American Legion.

1123 Section 21. Section 41-6a-1509 is amended to read:

1124 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**
1125 **Registration and licensing requirements -- Equipment requirements.**

1126 (1) (a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain
1127 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets the
1128 requirements of this section as a street-legal ATV on a street or highway.

1129 (b) An individual may not operate an all-terrain type I vehicle, all-terrain type II
1130 vehicle, or all-terrain type III vehicle as a street-legal ATV on a highway if:

1131 (i) the highway is an interstate system as defined in Section 72-1-102; or

1132 (ii) the highway is in a county of the first class and both of the following criterion is
1133 met:

1134 (A) the highway is near a grade separated portion of the highway; and

1135 (B) the highway has a posted speed limit higher than 50 miles per hour.

1136 (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that
1137 is not open to motor vehicle use.

1138 (2) A street-legal ATV shall comply with Section 59-2-405.2, Subsection
1139 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:

1140 (a) a motorcycle for:

1141 (i) traffic rules under [~~Title 41, Chapter 6a, Traffic Code~~] this chapter;

- 1142 (ii) titling, odometer statement, vehicle identification, license plates, and registration,
1143 excluding registration fees, under [~~Title 41,~~] Chapter 1a, Motor Vehicle Act; and
- 1144 (iii) the county motor vehicle emissions inspection and maintenance programs under
1145 Section 41-6a-1642;
- 1146 (b) a motor vehicle for:
- 1147 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
- 1148 (ii) motor vehicle insurance under [~~Title 41,~~] Chapter 12a, Financial Responsibility of
1149 Motor Vehicle Owners and Operators Act; and
- 1150 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under
1151 [~~Title 41,~~] Chapter 22, Off-Highway Vehicles, and [~~Title 41,~~] Chapter 3, Motor Vehicle
1152 Business Regulation Act, unless otherwise specified in this section.
- 1153 (3) (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV
1154 shall ensure that the vehicle is equipped with:
- 1155 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
- 1156 (ii) one or more tail lamps;
- 1157 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
1158 with a white light;
- 1159 (iv) one or more red reflectors on the rear;
- 1160 (v) one or more stop lamps on the rear;
- 1161 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 1162 (vii) a braking system, other than a parking brake, that meets the requirements of
1163 Section 41-6a-1623;
- 1164 (viii) a horn or other warning device that meets the requirements of Section
1165 41-6a-1625;
- 1166 (ix) a muffler and emission control system that meets the requirements of Section
1167 41-6a-1626;
- 1168 (x) rearview mirrors on the right and left side of the driver in accordance with Section
1169 41-6a-1627;
- 1170 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 1171 (xii) a speedometer, illuminated for nighttime operation;
- 1172 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a

- 1173 seat designed for passengers; and
- 1174 (xiv) tires that:
 - 1175 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available
 - 1176 for the all-terrain vehicle model; and
 - 1177 (B) have at least 2/32 inches or greater tire tread.
- 1178 (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being
- 1179 operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:
 - 1180 (i) two headlamps that meet the requirements of Section 41-6a-1603;
 - 1181 (ii) two tail lamps;
 - 1182 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
 - 1183 with a white light;
 - 1184 (iv) one or more red reflectors on the rear;
 - 1185 (v) two stop lamps on the rear;
 - 1186 (vi) amber or red electric turn signals, one on each side of the front and rear;
 - 1187 (vii) a braking system, other than a parking brake, that meets the requirements of
 - 1188 Section 41-6a-1623;
 - 1189 (viii) a horn or other warning device that meets the requirements of Section
 - 1190 41-6a-1625;
 - 1191 (ix) a muffler and emission control system that meets the requirements of Section
 - 1192 41-6a-1626;
 - 1193 (x) rearview mirrors on the right and left side of the driver in accordance with Section
 - 1194 41-6a-1627;
 - 1195 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
 - 1196 (xii) a speedometer, illuminated for nighttime operation;
 - 1197 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
 - 1198 seat designed for passengers;
 - 1199 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle
 - 1200 occupant;
 - 1201 (xv) a seat with a height between 20 and 40 inches when measured at the forward edge
 - 1202 of the seat bottom; and
 - 1203 (xvi) tires that:

1204 (A) do not exceed 44 inches in height; and
1205 (B) have at least 2/32 inches or greater tire tread.
1206 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle
1207 with wheel covers, mudguards, flaps, or splash aprons.
1208 (4) (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal
1209 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not
1210 exceed the lesser of:
1211 (i) the posted speed limit; or
1212 (ii) 50 miles per hour.
1213 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
1214 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
1215 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
1216 roadway; and
1217 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the
1218 front and back of both sides of the vehicle.
1219 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be
1220 operated on the highways of another state has the same rights and privileges as a street-legal
1221 ATV that is granted operating privileges on the highways of this state, subject to the
1222 restrictions under this section and rules made by the Division of Outdoor Recreation, after
1223 [~~consulting~~] notifying the Outdoor Adventure Commission, if the other state offers reciprocal
1224 operating privileges to Utah residents.
1225 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1226 Division of Outdoor Recreation, after [~~consultation with~~] notifying the Outdoor Adventure
1227 Commission, shall establish eligibility requirements for reciprocal operating privileges for
1228 nonresident users granted under Subsection (5)(a).
1229 (6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating
1230 the off-highway vehicle in accordance with Section [41-22-10.5](#).
1231 (7) A violation of this section is an infraction.
1232 Section 22. Section **41-22-2** is amended to read:
1233 **41-22-2. Definitions.**
1234 As used in this chapter:

1235 (1) "Advisory council" means [~~the Off-highway Vehicle Advisory Council~~] an advisory
1236 council appointed by the Division of Outdoor Recreation that has within the advisory council's
1237 duties advising on policies related to the use of off-highway vehicles.

1238 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,
1239 having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure
1240 tires, having a seat designed to be straddled by the operator, and designed for or capable of
1241 travel over unimproved terrain.

1242 (3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,
1243 traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a
1244 rollover protection system, and designed for or capable of travel over unimproved terrain, and
1245 is:

1246 (i) an electric-powered vehicle; or

1247 (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight
1248 of 2,500 pounds or less.

1249 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to
1250 carry a person with a disability, any vehicle not specifically designed for recreational use, or
1251 farm tractors as defined under Section [41-1a-102](#).

1252 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in
1253 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

1254 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to
1255 carry a person with a disability, any vehicle not specifically designed for recreational use, or
1256 farm tractors as defined under Section [41-1a-102](#).

1257 (5) "Commission" means the Outdoor Adventure Commission.

1258 (6) "Cross-country" means across natural terrain and off an existing highway, road,
1259 route, or trail.

1260 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at
1261 wholesale or retail.

1262 (8) "Division" means the Division of Outdoor Recreation.

1263 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed
1264 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of
1265 10 pounds per square inch or less as recommended by the vehicle manufacturer.

1266 (10) "Manufacturer" means a person engaged in the business of manufacturing
1267 off-highway vehicles.

1268 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.

1269 (b) "Motor vehicle" includes an off-highway vehicle.

1270 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the
1271 operator and designed to travel on not more than two tires.

1272 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
1273 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by
1274 the owner or the owner's agent for agricultural operations.

1275 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
1276 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

1277 (15) "Operate" means to control the movement of or otherwise use an off-highway
1278 vehicle.

1279 (16) "Operator" means the person who is in actual physical control of an off-highway
1280 vehicle.

1281 (17) "Organized user group" means an off-highway vehicle organization incorporated
1282 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit
1283 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

1284 (18) "Owner" means a person, other than a person with a security interest, having a
1285 property interest or title to an off-highway vehicle and entitled to the use and possession of that
1286 vehicle.

1287 (19) "Public land" means land owned or administered by any federal or state agency or
1288 any political subdivision of the state.

1289 (20) "Register" means the act of assigning a registration number to an off-highway
1290 vehicle.

1291 (21) "Roadway" is used as defined in Section [41-6a-102](#).

1292 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
1293 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

1294 (23) "Street or highway" means the entire width between boundary lines of every way
1295 or place of whatever nature, when any part of it is open to the use of the public for vehicular
1296 travel.

1297 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
1298 defined in Section [41-6a-102](#).

1299 Section 23. Section **41-22-5.1** is amended to read:

1300 **41-22-5.1. Rules of division relating to display of registration stickers.**

1301 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1302 division, after [~~consultation with~~] notifying the commission, shall make rules for the display of
1303 a registration sticker on an off-highway vehicle in accordance with Section [41-22-3](#).

1304 Section 24. Section **41-22-5.5** is amended to read:

1305 **41-22-5.5. Off-highway husbandry vehicles.**

1306 (1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II
1307 vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to
1308 the Motor Vehicle Division for an off-highway implement of husbandry sticker.

1309 (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

1310 (A) evidence of ownership;

1311 (B) a title or a manufacturer's certificate of origin; and

1312 (C) a signed statement certifying that the off-highway vehicle is used for agricultural
1313 purposes.

1314 (iii) The owner shall receive an off-highway implement of husbandry sticker upon
1315 production of:

1316 (A) the documents required under this Subsection (1); and

1317 (B) payment of an off-highway implement of husbandry sticker fee established by the
1318 division, after [~~consultation with~~] notifying the commission, not to exceed \$10.

1319 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or
1320 highways, it shall also be registered under Section [41-22-3](#).

1321 (c) The off-highway implement of husbandry sticker shall be displayed in a manner
1322 prescribed by the division and shall identify the all-terrain type I vehicle, motorcycle, all-terrain
1323 type II vehicle, all-terrain type III vehicle, or snowmobile as an off-highway implement of
1324 husbandry.

1325 (2) The off-highway implement of husbandry sticker is valid only for the life of the
1326 ownership of the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type
1327 III vehicle, or snowmobile and is not transferable.

1328 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I
1329 vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile that is
1330 being operated adjacent to a roadway:

1331 (a) when the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain
1332 type III vehicle, or snowmobile is only being used to travel from one parcel of land owned,
1333 operated, permitted, or leased for agricultural purposes by the owner of the vehicle to another
1334 parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner; and

1335 (b) when this operation is necessary for the furtherance of agricultural purposes.

1336 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is
1337 impractical, it may be operated on the roadway if the operator exercises due care towards
1338 conventional motor vehicle traffic.

1339 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or
1340 within the boundaries of an interstate freeway.

1341 (6) A violation of this section is an infraction.

1342 Section 25. Section **41-22-8** is amended to read:

1343 **41-22-8. Registration fees.**

1344 (1) The division, after [~~consultation with~~] notifying the commission, shall establish the
1345 fees [~~which~~] that shall be paid in accordance with this chapter, subject to the following:

1346 (a) (i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway
1347 vehicle registration may not exceed \$35.

1348 (ii) The fee for each snowmobile registration may not exceed \$26.

1349 (iii) The fee for each street-legal all-terrain vehicle may not exceed \$72.

1350 (b) The fee for each duplicate registration card may not exceed \$3.

1351 (c) The fee for each duplicate registration sticker may not exceed \$5.

1352 (2) A fee may not be charged for an off-highway vehicle that is owned and operated by
1353 the United States Government, this state, or its political subdivisions.

1354 (3) (a) In addition to the fees under this section, Section [41-22-33](#), and Section
1355 [41-22-34](#), the Motor Vehicle Division shall require a person to pay one dollar to register an
1356 off-highway vehicle under Section [41-22-3](#).

1357 (b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division
1358 collects under Subsection (3)(a) into the Spinal Cord and Brain Injury Rehabilitation Fund

1359 described in Section [26-54-102](#).

1360 Section 26. Section **41-22-10** is amended to read:

1361 **41-22-10. Powers of division relating to off-highway vehicles.**

1362 [(†)] The division may:

1363 [(a)] (1) appoint and seek recommendations from the [~~Off-highway Vehicle Advisory~~
1364 ~~Council~~] advisory council representing the various off-highway vehicle, conservation, and
1365 other appropriate interests; and

1366 [(b)] (2) adopt a uniform marker and sign system for use by agents of appropriate
1367 federal, state, county, and city agencies in areas of off-highway vehicle use.

1368 [(2)] ~~The division shall receive and distribute voluntary contributions collected under~~
1369 ~~Section [41-1a-230.6](#) in accordance with Section [41-22-19.5](#).]~~

1370 Section 27. Section **41-22-10.7** is amended to read:

1371 **41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.**

1372 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped
1373 with:

1374 (a) brakes adequate to control the movement of and to stop and hold the vehicle under
1375 normal operating conditions;

1376 (b) headlights and taillights when operated between sunset and sunrise;

1377 (c) a noise control device and except for a snowmobile, a spark arrestor device; and

1378 (d) when operated on sand dunes designated by the division, a safety flag that is:

1379 (i) red or orange in color;

1380 (ii) a minimum of six by 12 inches; and

1381 (iii) attached to:

1382 (A) the off-highway vehicle so that the safety flag is at least eight feet above the
1383 surface of level ground; or

1384 (B) the protective headgear of a person operating a motorcycle so that the safety flag is
1385 at least 18 inches above the top of the person's head.

1386 (2) A violation of Subsection (1) is an infraction.

1387 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1388 division may make rules, after [~~consultation with~~] notifying the commission, which set
1389 standards for the equipment and which designate sand dunes where safety flags are required

1390 under Subsection (1).

1391 (4) An off-highway implement of husbandry used only in agricultural operations and
1392 not operated on a highway, is exempt from the provisions of this section.

1393 Section 28. Section **41-22-19** is amended to read:

1394 **41-22-19. Deposit of fees and related money in Off-highway Vehicle Account --**
1395 **Use for facilities, costs and expenses of division, and education -- Request for matching**
1396 **funds.**

1397 (1) Except as provided under Subsections (3) and (4) and Sections [41-22-34](#) and
1398 [41-22-36](#), [all] registration fees and related money collected by the Motor Vehicle Division or
1399 any agencies designated to act for the Motor Vehicle Division under this chapter shall be
1400 deposited as restricted revenue in the Off-highway Vehicle Account in the General Fund less
1401 the costs of collecting off-highway vehicle registration fees by the Motor Vehicle Division.
1402 The balance of the money may be used by the division [as follows]:

1403 (a) for the construction, improvement, operation, acquisition, or maintenance of
1404 publicly owned or administered off-highway vehicle facilities, including public access
1405 facilities;

1406 (b) for the mitigation of impacts associated with off-highway vehicle use;

1407 [~~(c) as grants or as matching funds with any federal agency, state agency, political~~
1408 ~~subdivision of the state, or organized user group for the construction, improvement, operation,~~
1409 ~~acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities~~
1410 ~~including public access facilities;~~]

1411 [~~(d) for the administration and enforcement of the provisions of this chapter; and]~~

1412 [~~(e)~~] (c) for the education of off-highway vehicle users[-];

1413 (d) for off-highway vehicle access protection;

1414 (e) to support off-highway vehicle search and rescue activities and programs;

1415 (f) to promote and encourage off-highway vehicle tourism;

1416 (g) for other uses that further the policy set forth in Section [41-22-1](#);

1417 (h) as grants or matching funds with a federal agency, state agency, political
1418 subdivision of the state, or organized user group for any of the uses described in Subsections
1419 (1)(a) through (g); and

1420 (i) for the administration and enforcement of this chapter.

1421 (2) ~~[All agencies or political subdivisions]~~ An agency or political subdivision
1422 requesting matching funds shall submit plans for proposed off-highway vehicle facilities to the
1423 division for review and approval.

1424 (3) (a) One dollar and 50 cents of each annual registration fee collected under
1425 Subsection 41-22-8(1) and each off-highway vehicle user fee collected under Subsection
1426 41-22-35(2) shall be deposited in the Land Grant Management Fund created under Section
1427 53C-3-101.

1428 (b) The Utah School and Institutional Trust Lands Administration shall use the money
1429 deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally
1430 accessible lands within its jurisdiction as follows:

1431 (i) to improve recreational opportunities on trust lands by constructing, improving,
1432 maintaining, or perfecting access for off-highway vehicle trails; and

1433 (ii) to mitigate impacts associated with off-highway vehicle use.

1434 (c) ~~[Any]~~ An unused balance of the money deposited under Subsection (3)(a)
1435 exceeding \$350,000 at the end of each fiscal year shall be deposited in the Off-highway
1436 Vehicle Account under Subsection (1).

1437 (4) One dollar of each off-highway vehicle registration fee collected under Subsection
1438 41-22-8(1) shall be deposited in the Utah Highway Patrol Aero Bureau Restricted Account
1439 created in Section 53-8-303.

1440 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1441 division, after notifying the commission, shall make rules as necessary to implement this
1442 section.

1443 Section 29. Section 41-22-31 is amended to read:

1444 **41-22-31. Division to set standards for safety program -- Safety certificates issued**
1445 **-- Cooperation with public and private entities -- State immunity from suit.**

1446 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1447 the division shall make rules, after ~~[consultation with]~~ notifying the commission, that establish
1448 curriculum standards for a comprehensive off-highway vehicle safety education and training
1449 program and shall implement this program.

1450 (b) The program shall be designed to develop and instill the knowledge, attitudes,
1451 habits, and skills necessary for the safe operation of an off-highway vehicle.

1452 (c) Components of the program shall include the preparation and dissemination of
1453 off-highway vehicle information and safety advice to the public and the training of off-highway
1454 vehicle operators.

1455 (d) Off-highway vehicle safety certificates shall be issued to those who successfully
1456 complete training or pass the knowledge and skills test established under the program.

1457 (2) The division shall cooperate with appropriate private organizations and
1458 associations, private and public corporations, and local government units to implement the
1459 program established under this section.

1460 (3) In addition to the governmental immunity granted in Title 63G, Chapter 7,
1461 Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to
1462 act, in any capacity relating to the off-highway vehicle safety education and training program.
1463 The state is also not responsible for any insufficiency or inadequacy in the quality of training
1464 provided by this program.

1465 Section 30. Section **41-22-33** is amended to read:

1466 **41-22-33. Fees for safety and education program -- Penalty -- Unlawful acts.**

1467 (1) A fee set by the division, after [~~consultation with~~] notifying the commission, in
1468 accordance with Section **63J-1-504** shall be added to the registration fee required to register an
1469 off-highway vehicle under Section **41-22-8** to help fund the off-highway vehicle safety and
1470 education program.

1471 (2) If the division modifies the fee under Subsection (1), the modification shall take
1472 effect on the first day of the calendar quarter after 90 days from the day on which the division
1473 provides the State Tax Commission:

1474 (a) notice from the division stating that the division will modify the fee; and

1475 (b) a copy of the fee modification.

1476 Section 31. Section **41-22-35** is amended to read:

1477 **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**
1478 **issuance of decal -- Deposit and use of fee revenue.**

1479 (1) (a) Except as provided in Subsection (1)(b), any person owning or operating a
1480 nonresident off-highway vehicle who operates or gives another person permission to operate
1481 the nonresident off-highway vehicle on any public land, trail, street, or highway in this state
1482 shall:

- 1483 (i) apply for an off-highway vehicle decal issued exclusively for an off-highway
1484 vehicle owned by a nonresident of the state;
- 1485 (ii) pay an annual off-highway vehicle user fee; and
1486 (iii) provide evidence that the owner is a nonresident.
- 1487 (b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the
1488 off-highway vehicle is:
- 1489 (i) used exclusively as an off-highway implement of husbandry;
1490 (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a
1491 public or private entity or another event sponsored by a governmental entity under rules made
1492 by the division, after ~~[consultation with]~~ notifying the commission;
- 1493 (iii) owned and operated by a state government agency and the operation of the
1494 off-highway vehicle within the boundaries of the state is within the course and scope of the
1495 duties of the agency; or
- 1496 (iv) used exclusively for the purpose of an off-highway vehicle manufacturer
1497 sponsored event within the state under rules made by the division.
- 1498 (2) The off-highway vehicle user fee is \$30.
- 1499 (3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:
- 1500 (a) receive a nonresident off-highway vehicle user decal indicating compliance with the
1501 provisions of Subsection (1)(a); and
1502 (b) display the decal on the off-highway vehicle in accordance with rules made by the
1503 division.
- 1504 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1505 division, after ~~[consultation with]~~ notifying the commission, shall make rules establishing:
- 1506 (a) procedures for:
- 1507 (i) the payment of off-highway vehicle user fees; and
1508 (ii) the display of a decal on an off-highway vehicle as required under Subsection
1509 (3)(b);
- 1510 (b) acceptable evidence indicating compliance with Subsection (1);
1511 (c) eligibility for scheduled competitive events or other events under Subsection
1512 (1)(b)(ii); and
1513 (d) eligibility for an off-highway vehicle manufacturer sponsored event under

1514 Subsection (1)(b)(iv).

1515 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle
1516 user fee may be collected by the division or agents of the division.

1517 (b) An agent shall retain 10% of all off-highway vehicle user fees collected.

1518 (c) The division may require agents to obtain a bond in a reasonable amount.

1519 (d) On or before the tenth day of each month, each agent shall:

1520 (i) report all sales to the division; and

1521 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in

1522 Subsection (5)(b).

1523 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%
1524 of the amount due.

1525 (ii) Delinquent payments shall bear interest at the rate of 1% per month.

1526 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess
1527 a penalty of 100% of the total amount due together with interest.

1528 (f) All fees collected by an agent, except the remuneration provided in Subsection
1529 (5)(b), shall:

1530 (i) be kept separate and apart from the private funds of the agent; and

1531 (ii) belong to the state.

1532 (g) An agent may not issue an off-highway vehicle user decal to any person unless the
1533 person furnishes evidence of compliance with the provisions of Subsection (1)(a).

1534 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and
1535 may be cause for revocation of the agent authorization.

1536 (6) Revenue generated by off-highway vehicle user fees shall be deposited in the
1537 Off-highway Vehicle Account created in Section [41-22-19](#).

1538 Section 32. Section **53-2a-1102** is amended to read:

1539 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**

1540 **Rulemaking -- Distribution.**

1541 (1) As used in this section:

1542 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
1543 Program created within this section.

1544 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a

1545 participant.

1546 (c) "Participant" means an individual, family, or group who is registered pursuant to
1547 this section as having a valid card at the time search, rescue, or both are provided.

1548 (d) "Program" means the Search and Rescue Financial Assistance Program created
1549 within this section.

1550 (e) (i) "Reimbursable base expenses" means those reasonable expenses incidental to
1551 search and rescue activities.

1552 (ii) "Reimbursable base expenses" include:

1553 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;

1554 (B) replacement and upgrade of search and rescue equipment;

1555 (C) training of search and rescue volunteers;

1556 (D) costs of providing life insurance and workers' compensation benefits for volunteer
1557 search and rescue team members under Section 67-20-7.5; and

1558 (E) any other equipment or expenses necessary or appropriate for conducting search
1559 and rescue activities.

1560 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an
1561 individual on a regular or permanent payroll, including permanent part-time employees of any
1562 agency of the state.

1563 (f) "Rescue" means search services, rescue services, or both search and rescue services.

1564 (2) There is created the Search and Rescue Financial Assistance Program within the
1565 division.

1566 (3) (a) The financial program and the assistance card program shall be funded from the
1567 following revenue sources:

1568 (i) any voluntary contributions to the state received for search and rescue operations;

1569 (ii) money received by the state under Subsection (11) and under Sections 23-19-42,
1570 41-22-34, and 73-18-24;

1571 (iii) money deposited under Subsection 59-12-103(14);

1572 (iv) contributions deposited in accordance with Section 41-1a-230.7; and

1573 (v) appropriations made to the program by the Legislature.

1574 (b) [~~All money~~] Money received from the revenue sources in Subsections (3)(a)(i), (ii),
1575 and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the

1576 General Fund as a dedicated credit to be used solely for the program.

1577 (c) [~~10%~~] Ten percent of the money described in Subsection (3)(a)(iii) shall be
1578 deposited into the General Fund as a dedicated credit to be used solely to promote the
1579 assistance card program.

1580 (d) [~~All funding~~] Funding for the program is nonlapsing.

1581 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in
1582 this section to reimburse counties for all or a portion of each county's reimbursable base
1583 expenses for search and rescue operations, subject to:

1584 (a) the approval of the Search and Rescue Advisory Board as provided in Section
1585 [53-2a-1104](#);

1586 (b) money available in the program; and

1587 (c) rules made under Subsection (7).

1588 (5) Money described in Subsection (3) may not be used to reimburse for any paid
1589 personnel costs or paid man hours spent in emergency response and search and rescue related
1590 activities.

1591 (6) The Legislature finds that these funds are for a general and statewide public
1592 purpose.

1593 (7) The division, with the approval of the Search and Rescue Advisory Board, shall
1594 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
1595 consistent with this section:

1596 (a) specifying the costs that qualify as reimbursable base expenses;

1597 (b) defining the procedures of counties to submit expenses and be reimbursed;

1598 (c) defining a participant in the assistance card program, including:

1599 (i) individuals; and

1600 (ii) families and organized groups who qualify as participants;

1601 (d) defining the procedure for issuing a card to a participant;

1602 (e) defining excluded expenses that may not be reimbursed under the program,
1603 including medical expenses;

1604 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
1605 Program;

1606 (g) establishing the frequency of review of the fee schedule;

- 1607 (h) providing for the administration of the program; and
- 1608 (i) providing a formula to govern the distribution of available money among the
- 1609 counties for uncompensated search and rescue expenses based on:
- 1610 (i) the total qualifying expenses submitted;
- 1611 (ii) the number of search and rescue incidents per county population;
- 1612 (iii) the number of victims that reside outside the county; and
- 1613 (iv) the number of volunteer hours spent in each county in emergency response and
- 1614 search and rescue related activities per county population.
- 1615 (8) (a) The division shall, in consultation with the [~~Outdoor Recreation Office~~]
- 1616 Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue
- 1617 Assistance Card Program under Subsection [63J-1-504\(6\)](#).
- 1618 (b) The division shall provide a discount of not less than 10% of the card fee under
- 1619 Subsection (8)(a) to a person who has paid a fee under Section [23-19-42](#), [41-22-34](#), or
- 1620 [73-18-24](#) during the same calendar year in which the person applies to be a participant in the
- 1621 assistance card program.
- 1622 (9) Counties may not bill reimbursable base expenses to an individual for costs
- 1623 incurred for the rescue of an individual, if the individual is a current participant in the Utah
- 1624 Search and Rescue Assistance Card Program at the time of rescue, unless:
- 1625 (a) the rescuing county finds that the participant acted recklessly in creating a situation
- 1626 resulting in the need for the county to provide rescue services; or
- 1627 (b) the rescuing county finds that the participant intentionally created a situation
- 1628 resulting in the need for the county to provide rescue services.
- 1629 (10) (a) There is created the Utah Search and Rescue Assistance Card Program. The
- 1630 program is located within the division.
- 1631 (b) The program may not be [~~utilized~~] used to cover any expenses, such as medically
- 1632 related expenses, that are not reimbursable base expenses related to the rescue.
- 1633 (11) (a) To participate in the program, a person shall purchase a search and rescue
- 1634 assistance card from the division by paying the fee as determined by the division in Subsection
- 1635 (8).
- 1636 (b) The money generated by the fees shall be deposited into the General Fund as a
- 1637 dedicated credit for the Search and Rescue Financial Assistance Program created in this

1638 section.

1639 (c) Participation and payment of fees by a person under Sections 23-19-42, 41-22-34,
1640 and 73-18-24 do not constitute purchase of a card under this section.

1641 (12) The division shall consult with the [~~Outdoor Recreation Office~~] Division of
1642 Outdoor Recreation regarding:

1643 (a) administration of the assistance card program; and

1644 (b) outreach and marketing strategies.

1645 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance
1646 Card Program under this section is exempt from being considered insurance as that term is
1647 defined in Section 31A-1-301.

1648 Section 33. Section 57-14-204 is amended to read:

1649 **57-14-204. Liability not limited where willful or malicious conduct involved or**
1650 **admission fee charged.**

1651 (1) Nothing in this part limits any liability that otherwise exists for:

1652 (a) willful or malicious failure to guard or warn against a dangerous condition, use,
1653 structure, or activity;

1654 (b) deliberate, willful, or malicious injury to persons or property; or

1655 (c) an injury suffered where the owner of land charges a person to enter or go on the
1656 land or use the land for any recreational purpose.

1657 (2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision
1658 of the state, any consideration received by the owner for the lease is not a charge within the
1659 meaning of this section.

1660 (3) Any person who hunts upon a cooperative wildlife management unit, as authorized
1661 by Title 23, Chapter 23, Cooperative Wildlife Management Units, is not considered to have
1662 paid a fee within the meaning of this section.

1663 (4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir
1664 and its surrounding area and do not themselves charge a fee for that use, are considered not to
1665 have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to
1666 the Division of State Parks or the Division of Outdoor Recreation for the use of the services
1667 and facilities at that dam or reservoir.

1668 (5) The state or a subdivision of the state that owns property purchased for a railway

1669 corridor is considered not to have charged for use of the railway corridor within the meaning of
1670 Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses
1671 or travels over the railway corridor of the state or a subdivision of the state:

1672 (a) allows recreational use of the railway corridor and its surrounding area; and

1673 (b) does not charge a fee for that use.

1674 Section 34. Section **59-2-506** is amended to read:

1675 **59-2-506. Rollback tax -- Penalty -- Computation of tax -- Procedure -- Lien --**
1676 **Interest -- Notice -- Collection -- Distribution.**

1677 (1) Except as provided in this section, Section [59-2-506.5](#), or Section [59-2-511](#), if land
1678 is withdrawn from this part, the land is subject to a rollback tax imposed in accordance with
1679 this section.

1680 (2) (a) An owner shall notify the county assessor that land is withdrawn from this part
1681 within 120 days after the day on which the land is withdrawn from this part.

1682 (b) An owner that fails to notify the county assessor under Subsection (2)(a) that land is
1683 withdrawn from this part is subject to a penalty equal to the greater of:

1684 (i) \$10; or

1685 (ii) 2% of the rollback tax due for the last year of the rollback period.

1686 (3) (a) The county assessor shall determine the amount of the rollback tax by
1687 computing the difference for the rollback period described in Subsection (3)(b) between:

1688 (i) the tax paid while the land was assessed under this part; and

1689 (ii) the tax that would have been paid had the property not been assessed under this
1690 part.

1691 (b) For purposes of this section, the rollback period is a time period that:

1692 (i) begins on the later of:

1693 (A) the date the land is first assessed under this part; or

1694 (B) five years preceding the day on which the county assessor mails the notice required
1695 by Subsection (5); and

1696 (ii) ends the day on which the county assessor mails the notice required by Subsection
1697 (5).

1698 (4) (a) The county treasurer shall:

1699 (i) collect the rollback tax; and

1700 (ii) after the rollback tax is paid, certify to the county recorder that the rollback tax lien
1701 on the property has been satisfied by:

1702 (A) preparing a document that certifies that the rollback tax lien on the property has
1703 been satisfied; and

1704 (B) providing the document described in Subsection (4)(a)(ii)(A) to the county recorder
1705 for recordation.

1706 (b) The county treasurer of a county of the third, fourth, fifth, or sixth class shall pay
1707 the rollback tax collected under this section:

1708 (i) into the county treasury; and

1709 (ii) to the various taxing entities pro rata in accordance with the property tax levies for
1710 the current year.

1711 (c) Subject to Subsection (4)(d), the county treasurer of a county of the first or second
1712 class shall:

1713 (i) pay 85% of the rollback tax collected under this section:

1714 (A) into the county treasury; and

1715 (B) to the various taxing entities pro rata in accordance with the property tax levies for
1716 the current year; and

1717 (ii) remit monthly to the state treasurer an amount equal to 15% of the money that the
1718 county treasurer received during the preceding month from the rollback tax collected under this
1719 section.

1720 (d) The county treasurer may not remit money described in Subsection (4)(c)(ii) until
1721 all appeal rights for the portion being remitted are exhausted under Section [59-2-1004](#) or
1722 [59-2-1006](#).

1723 (e) The state treasurer shall transfer the money received from a county treasurer under
1724 Subsection (4)(c) to the Land Conservation Board created in Section [4-46-201](#) for use under
1725 the LeRay McAllister Critical Land Conservation Program established in Section [4-46-301](#).

1726 (5) (a) The county assessor shall mail to an owner of the land that is subject to a
1727 rollback tax a notice that:

1728 (i) the land is withdrawn from this part;

1729 (ii) the land is subject to a rollback tax under this section; and

1730 (iii) the rollback tax is delinquent if the owner of the land does not pay the tax within

1731 30 days after the day on which the county assessor mails the notice described in this Subsection
1732 (5)(a).

1733 (b) (i) The rollback tax is due and payable on the day the county assessor mails the
1734 notice required by Subsection (5)(a).

1735 (ii) Subject to Subsection (7), the rollback tax is delinquent if an owner of the land that
1736 is withdrawn from this part does not pay the rollback tax within 30 days after the day on which
1737 the county assessor mails the notice required by Subsection (5)(a).

1738 (6) (a) Subject to Subsection (6)(b), the following are a lien on the land assessed under
1739 this part:

1740 (i) the rollback tax; and

1741 (ii) interest imposed in accordance with Subsection (7).

1742 (b) The lien described in Subsection (6)(a) shall:

1743 (i) arise upon the imposition of the rollback tax under this section;

1744 (ii) end on the day on which the rollback tax and interest imposed in accordance with
1745 Subsection (7) are paid in full; and

1746 (iii) relate back to the first day of the rollback period described in Subsection (3)(b).

1747 (7) (a) A delinquent rollback tax under this section shall accrue interest:

1748 (i) from the date of delinquency until paid; and

1749 (ii) at the interest rate established under Section 59-2-1331 and in effect on January 1
1750 of the year in which the delinquency occurs.

1751 (b) The county treasurer shall include in the notice required by Section 59-2-1317 a
1752 rollback tax that is delinquent on September 1 of any year and interest calculated on that
1753 delinquent amount through November 30 of the year in which the county treasurer provides the
1754 notice under Section 59-2-1317.

1755 (8) (a) Land that becomes ineligible for assessment under this part only as a result of an
1756 amendment to this part is not subject to the rollback tax if the owner of the land notifies the
1757 county assessor, in accordance with Subsection (2), that the land is withdrawn from this part.

1758 (b) Land described in Subsection (8)(a) that is withdrawn from this part as a result of
1759 an event other than an amendment to this part, whether voluntary or involuntary, is subject to
1760 the rollback tax.

1761 (9) Except as provided in Section 59-2-511, land that becomes exempt from taxation

1762 under Utah Constitution, Article XIII, Section 3, is not subject to the rollback tax if the land
1763 meets the requirements of Section 59-2-503 to be assessed under this part.

1764 (10) Land that becomes ineligible for assessment under this part only as a result of a
1765 split estate mineral rights owner exercising the right to extract a mineral is not subject to the
1766 rollback tax:

1767 (a) (i) for the portion of the land required by a split estate mineral rights owner to
1768 extract a mineral if, after the split estate mineral rights owner exercises the right to extract a
1769 mineral, the portion of the property that remains in agricultural production still meets the
1770 acreage requirements of Section 59-2-503 for assessment under this part; or

1771 (ii) for the entire acreage that would otherwise qualify for assessment under this part if,
1772 after the split estate mineral rights owner exercises the right to extract a mineral, the entire
1773 acreage that would otherwise qualify for assessment under this part no longer meets the acreage
1774 requirements of Section 59-2-503 for assessment under this part only due to the extraction of
1775 the mineral by the split estate mineral rights owner; and

1776 (b) for the period of time that the property described in Subsection (10)(a) is ineligible
1777 for assessment under this part due to the extraction of a mineral by the split estate mineral
1778 rights owner.

1779 Section 35. Section 59-2-511 is amended to read:

1780 **59-2-511. Acquisition of land by governmental entity -- Requirements -- Rollback**
1781 **tax -- One-time in lieu fee payment -- Passage of title.**

1782 (1) For purposes of this section, "governmental entity" means:

1783 (a) the United States;

1784 (b) the state;

1785 (c) a political subdivision of the state, including:

1786 (i) a county;

1787 (ii) a city;

1788 (iii) a town;

1789 (iv) a school district;

1790 (v) a local district; or

1791 (vi) a special service district; or

1792 (d) an entity created by the state or the United States, including:

- 1793 (i) an agency;
 - 1794 (ii) a board;
 - 1795 (iii) a bureau;
 - 1796 (iv) a commission;
 - 1797 (v) a committee;
 - 1798 (vi) a department;
 - 1799 (vii) a division;
 - 1800 (viii) an institution;
 - 1801 (ix) an instrumentality; or
 - 1802 (x) an office.
- 1803 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental
- 1804 entity is subject to the rollback tax imposed by this part if:
- 1805 (i) prior to the governmental entity acquiring the land, the land is assessed under this
 - 1806 part; and
 - 1807 (ii) after the governmental entity acquires the land, the land does not meet the
 - 1808 requirements of Section 59-2-503 for assessment under this part.
- 1809 (b) A person dedicating a public right-of-way to a governmental entity shall pay the
- 1810 rollback tax imposed by this part if:
- 1811 (i) a portion of the public right-of-way is located within a subdivision as defined in
 - 1812 Section 10-9a-103; or
 - 1813 (ii) in exchange for the dedication, the person dedicating the public right-of-way
 - 1814 receives:
- 1815 (A) money; or
 - 1816 (B) other consideration.
- 1817 (3) (a) Except as provided in Subsection (4), land acquired by a governmental entity is
- 1818 not subject to the rollback tax imposed by this part, but is subject to a one-time in lieu fee
- 1819 payment as provided in Subsection (3)(b), if:
- 1820 (i) the governmental entity acquires the land by eminent domain;
 - 1821 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and
 - 1822 (B) the governmental entity provides written notice of the proceedings to the owner; or
 - 1823 (iii) the land is donated to the governmental entity.

- 1824 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the
1825 governmental entity shall make a one-time in lieu fee payment:
- 1826 (A) to the county treasurer of the county in which the land is located; and
1827 (B) in an amount equal to the amount of rollback tax calculated under Section
1828 [59-2-506](#).
- 1829 (ii) If a governmental entity acquires land under Subsection (3)(a)(i) or (3)(a)(ii), the
1830 governmental entity shall make a one-time in lieu fee payment:
- 1831 (A) to the county treasurer of the county in which the land is located; and
1832 (B) (I) if the land remaining after the acquisition by the governmental entity meets the
1833 requirements of Section [59-2-503](#), in an amount equal to the rollback tax under Section
1834 [59-2-506](#) on the land acquired by the governmental entity; or
1835 (II) if the land remaining after the acquisition by the governmental entity is less than
1836 five acres, in an amount equal to the rollback tax under Section [59-2-506](#) on the land acquired
1837 by the governmental entity and the land remaining after the acquisition by the governmental
1838 entity.
- 1839 (iii) For purposes of Subsection (3)(b)(ii), "land remaining after the acquisition by the
1840 governmental entity" includes other eligible acreage that is used in conjunction with the land
1841 remaining after the acquisition by the governmental entity.
- 1842 (c) A county of the third, fourth, fifth, or sixth class receiving an in lieu fee payment
1843 under Subsection (3)(b) shall distribute the revenues generated by the payment:
- 1844 (i) to the taxing entities in which the land is located; and
1845 (ii) in the same proportion as the revenue from real property taxes is distributed.
- 1846 (d) Subject to Subsection (3)(e), a county of the first or second class receiving an in
1847 lieu fee payment under Subsection (3)(b) shall:
- 1848 (i) distribute 85% of the revenues generated by the payment under this section:
1849 (A) to the taxing entities in which the land is located; and
1850 (B) in the same proportion as the revenue from real property taxes is distributed; and
1851 (ii) remit monthly to the state treasurer an amount equal to 15% of the money that the
1852 county treasurer received during the preceding month from the payments received under this
1853 section.
- 1854 (e) The county treasurer may not remit money described in Subsection (3)(d)(ii) until

1855 all appeal rights for the portion being remitted are exhausted under Section 59-2-1004 or
1856 59-2-1006.

1857 (f) The state treasurer shall transfer the money received from a county treasurer under
1858 Subsection (3)(d) to the Land Conservation Board created in Section 4-46-201 for use under
1859 the LeRay McAllister Critical Land Conservation Program established in Section 4-46-301.

1860 (4) Except as provided in Section 59-2-506.5, if land acquired by a governmental entity
1861 is made subject to a conservation easement in accordance with Section 59-2-506.5:

1862 (a) the land is not subject to the rollback tax imposed by this part; and

1863 (b) the governmental entity acquiring the land is not required to make an in lieu fee
1864 payment under Subsection (3)(b).

1865 (5) If a governmental entity acquires land subject to assessment under this part, title to
1866 the land may not pass to the governmental entity until the following are paid to the county
1867 treasurer:

1868 (a) any tax due under this part;

1869 (b) any one-time in lieu fee payment due under this part; and

1870 (c) any interest due under this part.

1871 Section 36. Section 59-2-1705 is amended to read:

1872 **59-2-1705. Rollback tax -- Penalty -- Computation of tax -- Procedure -- Lien --**
1873 **Interest -- Notice -- Collection -- Distribution -- Appeal to county board of equalization.**

1874 (1) Except as provided in this section or Section 59-2-1710, land that is withdrawn
1875 from this part is subject to a rollback tax imposed as provided in this section.

1876 (2) (a) An owner shall notify the county assessor that land is withdrawn from this part
1877 within 120 days after the day on which the land is withdrawn from this part.

1878 (b) An owner who fails to notify the county assessor under Subsection (2)(a) that land
1879 is withdrawn from this part is subject to a penalty equal to the greater of:

1880 (i) \$10; or

1881 (ii) 2% of the rollback tax due for the last year of the rollback period.

1882 (3) (a) The county assessor shall determine the amount of the rollback tax by
1883 computing the difference for the rollback period described in Subsection (3)(b) between:

1884 (i) the tax paid while the land was assessed under this part; and

1885 (ii) the tax that would have been paid had the property not been assessed under this

1886 part.

1887 (b) For purposes of this section, the rollback period is a time period that:

1888 (i) begins on the later of:

1889 (A) the date the land is first assessed under this part; or

1890 (B) five years preceding the day on which the county assessor mails the notice required
1891 by Subsection (5); and

1892 (ii) ends the day on which the county assessor mails the notice required by Subsection
1893 (5).

1894 (4) (a) The county treasurer shall:

1895 (i) collect the rollback tax; and

1896 (ii) after the rollback tax is paid, certify to the county recorder that the rollback tax lien
1897 on the property has been satisfied by:

1898 (A) preparing a document that certifies that the rollback tax lien on the property has
1899 been satisfied; and

1900 (B) providing the document described in Subsection (4)(a)(ii)(A) to the county recorder
1901 for recording.

1902 (b) The county treasurer of a county of the third, fourth, fifth, or sixth class shall pay
1903 the rollback tax collected under this section:

1904 (i) into the county treasury; and

1905 (ii) to the various taxing entities pro rata in accordance with the property tax levies for
1906 the current year.

1907 (c) Subject to Subsection (4)(d), the county treasurer of a county of the first or second
1908 class shall:

1909 (i) pay 85% of the rollback tax collected under this section:

1910 (A) into the county treasury; and

1911 (B) to the various taxing entities pro rata in accordance with the property tax levies for
1912 the current year; and

1913 (ii) remit monthly to the state treasurer an amount equal to 15% of the money that the
1914 county treasurer received during the preceding month from the rollback tax collected under this
1915 section.

1916 (d) The county treasurer may not remit money described in Subsection (4)(c)(ii) until

1917 all appeal rights for the portion being remitted are exhausted under Section 59-2-1004 or
1918 59-2-1006.

1919 (e) The state treasurer shall transfer the money received from a county treasurer under
1920 Subsection (4)(c) to the Land Conservation Board created in Section 4-46-201 for use under
1921 the LeRay McAllister Critical Land Conservation Program established in Section 4-46-301.

1922 (5) (a) The county assessor shall mail to an owner of the land that is subject to a
1923 rollback tax a notice that:

1924 (i) the land is withdrawn from this part;

1925 (ii) the land is subject to a rollback tax under this section; and

1926 (iii) the rollback tax is delinquent if the owner of the land does not pay the tax within

1927 30 days after the day on which the county assessor mails the notice described in this Subsection
1928 (5)(a).

1929 (b) (i) The rollback tax is due and payable on the day the county assessor mails the
1930 notice required by Subsection (5)(a).

1931 (ii) Subject to Subsection (7), the rollback tax is delinquent if an owner of the land that
1932 is withdrawn from this part does not pay the rollback tax within 30 days after the day on which
1933 the county assessor mails the notice required by Subsection (5)(a).

1934 (6) (a) Subject to Subsection (6)(b), the rollback tax and interest imposed under
1935 Subsection (7) are a lien on the land assessed under this part.

1936 (b) The lien described in Subsection (6)(a) shall:

1937 (i) arise upon the imposition of the rollback tax under this section;

1938 (ii) end on the day on which the rollback tax and interest imposed under Subsection (7)
1939 are paid in full; and

1940 (iii) relate back to the first day of the rollback period described in Subsection (3)(b).

1941 (7) (a) A delinquent rollback tax under this section shall accrue interest:

1942 (i) from the date of delinquency until paid; and

1943 (ii) at the interest rate established under Section 59-2-1331 and in effect on January 1
1944 of the year in which the delinquency occurs.

1945 (b) The county treasurer shall include in the notice required by Section 59-2-1317 a
1946 rollback tax that is delinquent on September 1 of any year and interest calculated on that

1947 delinquent amount through November 30 of the year in which the county treasurer provides the

1948 notice under Section 59-2-1317.

1949 (8) (a) Land that becomes ineligible for assessment under this part only as a result of an
1950 amendment to this part is not subject to the rollback tax if the owner of the land notifies the
1951 county assessor, in accordance with Subsection (2), that the land is withdrawn from this part.

1952 (b) Land described in Subsection (8)(a) that is withdrawn from this part as a result of
1953 an event other than an amendment to this part, whether voluntary or involuntary, is subject to
1954 the rollback tax.

1955 (9) Except as provided in Section 59-2-1710, land that becomes exempt from taxation
1956 under Utah Constitution, Article XIII, Section 3, is not subject to the rollback tax if the land
1957 meets the requirements of Section 59-2-1703 to be assessed under this part.

1958 Section 37. Section 59-2-1710 is amended to read:

1959 **59-2-1710. Acquisition of land by governmental entity -- Requirements --**

1960 **Rollback tax -- One-time in lieu fee payment -- Passage of title.**

1961 (1) For purposes of this section, "governmental entity" means:

1962 (a) the United States;

1963 (b) the state;

1964 (c) a political subdivision of the state, including a county, city, town, school district,
1965 local district, or special service district; or

1966 (d) an entity created by the state or the United States, including an agency, board,
1967 bureau, commission, committee, department, division, institution, instrumentality, or office.

1968 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental
1969 entity is subject to the rollback tax imposed by this part if:

1970 (i) before the governmental entity acquires the land, the land is assessed under this
1971 part; and

1972 (ii) after the governmental entity acquires the land, the land does not meet the
1973 requirements of Section 59-2-1703 for assessment under this part.

1974 (b) A person dedicating a public right-of-way to a governmental entity shall pay the
1975 rollback tax imposed by this part if:

1976 (i) a portion of the public right-of-way is located within a subdivision as defined in
1977 Section 10-9a-103; or

1978 (ii) in exchange for the dedication, the person dedicating the public right-of-way

1979 receives money or other consideration.

1980 (3) (a) Land acquired by a governmental entity is not subject to the rollback tax
1981 imposed by this part, but is subject to a one-time in lieu fee payment as provided in Subsection
1982 (3)(b), if:

1983 (i) the governmental entity acquires the land by eminent domain;

1984 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and

1985 (B) the governmental entity provides written notice of the proceedings to the owner; or

1986 (iii) the land is donated to the governmental entity.

1987 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the
1988 governmental entity shall make a one-time in lieu fee payment:

1989 (A) to the county treasurer of the county in which the land is located; and

1990 (B) in an amount equal to the amount of rollback tax calculated under Section

1991 [59-2-1705](#).

1992 (ii) A governmental entity that acquires land under Subsection (3)(a)(i) or (ii) shall
1993 make a one-time in lieu fee payment to the county treasurer of the county in which the land is
1994 located:

1995 (A) if the land remaining after the acquisition by the governmental entity meets the
1996 requirements of Section [59-2-1703](#), in an amount equal to the rollback tax under Section
1997 [59-2-1705](#) on the land acquired by the governmental entity; or

1998 (B) if the land remaining after the acquisition by the governmental entity is less than
1999 two acres, in an amount equal to the rollback tax under Section [59-2-1705](#) on the land acquired
2000 by the governmental entity and the land remaining after the acquisition by the governmental
2001 entity.

2002 (c) A county of the third, fourth, fifth, or sixth class receiving an in lieu fee payment
2003 under Subsection (3)(b) shall distribute the revenues collected from the payment:

2004 (i) to the taxing entities in which the land is located; and

2005 (ii) in the same proportion as the revenue from real property taxes is distributed.

2006 (d) Subject to Subsection (3)(e), a county of the first or second class receiving an in
2007 lieu fee payment under Subsection (3)(b) shall:

2008 (i) distribute 85% of the revenues generated by the payment under this section:

2009 (A) to the taxing entities in which the land is located; and

2010 (B) in the same proportion as the revenue from real property taxes is distributed; and
2011 (ii) remit monthly to the state treasurer an amount equal to 15% of the money that the
2012 county treasurer received during the preceding month from the payments received under this
2013 section.

2014 (e) The county treasurer may not remit money described in Subsection (3)(d)(ii) until
2015 all appeal rights for the portion being remitted are exhausted under Section [59-2-1004](#) or
2016 [59-2-1006](#).

2017 (f) The state treasurer shall transfer the money received from a county treasurer under
2018 Subsection (3)(d) to the Land Conservation Board created in Section [4-46-201](#) for use under
2019 the LeRay McAllister Critical Land Conservation Program established in Section [4-46-301](#).

2020 (4) If a governmental entity acquires land subject to assessment under this part, title to
2021 the land may not pass to the governmental entity until any tax, one-time in lieu fee payment,
2022 and applicable interest due under this part are paid to the county treasurer.

2023 Section 38. Section **59-13-201** is amended to read:

2024 **59-13-201. Rate -- Tax basis -- Exemptions -- Revenue deposited into the**
2025 **Transportation Fund -- Restricted account for boating uses -- Refunds -- Reduction of tax**
2026 **in limited circumstances.**

2027 (1) (a) Subject to the provisions of this section and except as provided in Subsection
2028 (1)(e), a tax is imposed at the rate of 16.5% of the statewide average rack price of a gallon of
2029 motor fuel per gallon upon all motor fuel that is sold, used, or received for sale or used in this
2030 state.

2031 (b) (i) Until December 31, 2018, and subject to the requirements under Subsection
2032 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall
2033 be determined by calculating the previous fiscal year statewide average rack price of a gallon of
2034 regular unleaded motor fuel, excluding federal and state excise taxes, for the 12 months ending
2035 on the previous June 30 as published by an oil pricing service.

2036 (ii) Beginning on January 1, 2019, and subject to the requirements under Subsection
2037 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall
2038 be determined by calculating the previous three fiscal years statewide average rack price of a
2039 gallon of regular unleaded motor fuel, excluding federal and state excise taxes, for the 36
2040 months ending on the previous June 30 as published by an oil pricing service.

2041 (c) (i) Subject to the requirement in Subsection (1)(c)(ii), the statewide average rack
2042 price of a gallon of motor fuel determined under Subsection (1)(b) may not be less than \$1.78
2043 per gallon.

2044 (ii) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust
2045 the minimum statewide average rack price of a gallon of motor fuel described in Subsection
2046 (1)(c)(i) by taking the minimum statewide average rack price of a gallon of motor fuel for the
2047 previous calendar year and adding an amount equal to the greater of:

2048 (A) an amount calculated by multiplying the minimum statewide average rack price of
2049 a gallon of motor fuel for the previous calendar year by the actual percent change during the
2050 previous fiscal year in the Consumer Price Index; and

2051 (B) 0.

2052 (iii) The statewide average rack price of a gallon of motor fuel determined by the
2053 commission under Subsection (1)(b) may not exceed \$2.43 per gallon.

2054 (iv) The minimum statewide average rack price of a gallon of motor fuel described and
2055 adjusted under Subsections (1)(c)(i) and (ii) may not exceed the maximum statewide average
2056 rack price of a gallon of motor fuel under Subsection (1)(c)(iii).

2057 (d) (i) The commission shall annually:

2058 (A) determine the statewide average rack price of a gallon of motor fuel in accordance
2059 with Subsections (1)(b) and (c);

2060 (B) adjust the fuel tax rate imposed under Subsection (1)(a), rounded to the nearest
2061 one-tenth of a cent, based on the determination under Subsection (1)(b);

2062 (C) publish the adjusted fuel tax as a cents per gallon rate; and

2063 (D) post or otherwise make public the adjusted fuel tax rate as determined in
2064 Subsection (1)(d)(i)(B) no later than 60 days ~~[prior to]~~ before the annual effective date under
2065 Subsection (1)(d)(ii).

2066 (ii) The tax rate imposed under this Subsection (1) and adjusted as required under
2067 Subsection (1)(d)(i) shall take effect on January 1 of each year.

2068 (e) In lieu of the tax imposed under Subsection (1)(a) and subject to the provisions of
2069 this section, a tax is imposed at the rate of 3/19 of the rate imposed under Subsection (1)(a),
2070 rounded up to the nearest penny, upon all motor fuels that meet the definition of clean fuel in
2071 Section 59-13-102 and are sold, used, or received for sale or use in this state.

2072 (2) Any increase or decrease in tax rate applies to motor fuel that is imported to the
2073 state or sold at refineries in the state on or after the effective date of the rate change.

2074 (3) (a) No motor fuel tax is imposed upon:

2075 (i) motor fuel that is brought into and sold in this state in original packages as purely
2076 interstate commerce sales;

2077 (ii) motor fuel that is exported from this state if proof of actual exportation on forms
2078 prescribed by the commission is made within 180 days after exportation;

2079 (iii) motor fuel or components of motor fuel that is sold and used in this state and
2080 distilled from coal, oil shale, rock asphalt, bituminous sand, or solid hydrocarbons located in
2081 this state; or

2082 (iv) motor fuel that is sold to the United States government, this state, or the political
2083 subdivisions of this state.

2084 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2085 commission shall make rules governing the procedures for administering the tax exemption
2086 provided under Subsection (3)(a)(iv).

2087 (4) The commission may either collect no tax on motor fuel exported from the state or,
2088 upon application, refund the tax paid.

2089 (5) (a) All revenue received by the commission under this part shall be deposited daily
2090 with the state treasurer and credited to the Transportation Fund.

2091 (b) An appropriation from the Transportation Fund shall be made to the commission to
2092 cover expenses incurred in the administration and enforcement of this part and the collection of
2093 the motor fuel tax.

2094 (6) (a) The commission shall determine what amount of motor fuel tax revenue is
2095 received from the sale or use of motor fuel used in motorboats registered under [~~the provisions~~
2096 ~~of the~~] Title 73, Chapter 18, State Boating Act, and this amount shall be deposited [~~in~~] into a
2097 restricted revenue account in the General Fund of the state.

2098 (b) The funds from this account shall be used for the construction, improvement,
2099 operation, and maintenance of state-owned boating facilities and for the payment of the costs
2100 and expenses of the Division of Outdoor Recreation in administering and enforcing [~~the~~] Title
2101 73, Chapter 18, State Boating Act.

2102 (7) (a) The United States government or any of its instrumentalities, this state, or a

2103 political subdivision of this state that has purchased motor fuel from a licensed distributor or
2104 from a retail dealer of motor fuel and has paid the tax on the motor fuel as provided in this
2105 section is entitled to a refund of the tax and may file with the commission for a quarterly
2106 refund.

2107 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2108 commission shall make rules governing the application and refund provided for in Subsection
2109 (7)(a).

2110 (8) (a) The commission shall refund annually into the [~~Off-Highway~~] Off-highway
2111 Vehicle Account in the General Fund an amount equal to .5% of the motor fuel tax revenues
2112 collected under this section.

2113 (b) This amount shall be used as provided in Section [41-22-19](#).

2114 (9) (a) Beginning on April 1, 2001, a tax imposed under this section on motor fuel that
2115 is sold, used, or received for sale or use in this state is reduced to the extent provided in
2116 Subsection (9)(b) if:

2117 (i) a tax imposed on the basis of the sale, use, or receipt for sale or use of the motor
2118 fuel is paid to the Navajo Nation;

2119 (ii) the tax described in Subsection (9)(a)(i) is imposed without regard to whether or
2120 not the person required to pay the tax is an enrolled member of the Navajo Nation; and

2121 (iii) the commission and the Navajo Nation execute and maintain an agreement as
2122 provided in this Subsection (9) for the administration of the reduction of tax.

2123 (b) (i) If but for Subsection (9)(a) the motor fuel is subject to a tax imposed by this
2124 section:

2125 (A) the state shall be paid the difference described in Subsection (9)(b)(ii) if that
2126 difference is greater than \$0; and

2127 (B) a person may not require the state to provide a refund, a credit, or similar tax relief
2128 if the difference described in Subsection (9)(b)(ii) is less than or equal to \$0.

2129 (ii) The difference described in Subsection (9)(b)(i) is equal to the difference between:

2130 (A) the amount of tax imposed on the motor fuel by this section; less

2131 (B) the tax imposed and collected by the Navajo Nation on the motor fuel.

2132 (c) For purposes of Subsections (9)(a) and (b), the tax paid to the Navajo Nation under
2133 a tax imposed by the Navajo Nation on the basis of the sale, use, or receipt for sale or use of

2134 motor fuel does not include any interest or penalties a taxpayer may be required to pay to the
2135 Navajo Nation.

2136 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2137 commission shall make rules governing the procedures for administering the reduction of tax
2138 provided under this Subsection (9).

2139 (e) The agreement required under Subsection (9)(a):

2140 (i) may not:

2141 (A) authorize the state to impose a tax in addition to a tax imposed under this chapter;

2142 (B) provide a reduction of taxes greater than or different from the reduction described
2143 in this Subsection (9); or

2144 (C) affect the power of the state to establish rates of taxation;

2145 (ii) shall:

2146 (A) be in writing;

2147 (B) be signed by:

2148 (I) the chair of the commission or the chair's designee; and

2149 (II) a person designated by the Navajo Nation that may bind the Navajo Nation;

2150 (C) be conditioned on obtaining any approval required by federal law;

2151 (D) state the effective date of the agreement; and

2152 (E) state any accommodation the Navajo Nation makes related to the construction and
2153 maintenance of state highways and other infrastructure within the Utah portion of the Navajo
2154 Nation; and

2155 (iii) may:

2156 (A) notwithstanding Section 59-1-403, authorize the commission to disclose to the
2157 Navajo Nation information that is:

2158 (I) contained in a document filed with the commission; and

2159 (II) related to the tax imposed under this section;

2160 (B) provide for maintaining records by the commission or the Navajo Nation; or

2161 (C) provide for inspections or audits of distributors, carriers, or retailers located or
2162 doing business within the Utah portion of the Navajo Nation.

2163 (f) (i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax
2164 imposed on motor fuel, any change in the reduction of taxes under this Subsection (9) as a

2165 result of the change in the tax rate is not effective until the first day of the calendar quarter after
2166 a 60-day period beginning on the date the commission receives notice:

2167 (A) from the Navajo Nation; and

2168 (B) meeting the requirements of Subsection (9)(f)(ii).

2169 (ii) The notice described in Subsection (9)(f)(i) shall state:

2170 (A) that the Navajo Nation has changed or will change the tax rate of a tax imposed on
2171 motor fuel;

2172 (B) the effective date of the rate change of the tax described in Subsection (9)(f)(ii)(A);

2173 and

2174 (C) the new rate of the tax described in Subsection (9)(f)(ii)(A).

2175 (g) If the agreement required by Subsection (9)(a) terminates, a reduction of tax is not
2176 permitted under this Subsection (9) beginning on the first day of the calendar quarter after a
2177 30-day period beginning on the day the agreement terminates.

2178 (h) If there is a conflict between this Subsection (9) and the agreement required by
2179 Subsection (9)(a), this Subsection (9) governs.

2180 Section 39. Section **59-21-2** is amended to read:

2181 **59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**
2182 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of money**
2183 **from Mineral Lease Account.**

2184 (1) (a) There is created a restricted account within the General Fund known as the
2185 "Mineral Bonus Account."

2186 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments
2187 deposited pursuant to Subsection [59-21-1\(3\)](#).

2188 (c) The Legislature shall make appropriations from the Mineral Bonus Account in
2189 accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

2190 (d) The state treasurer shall:

2191 (i) invest the money in the Mineral Bonus Account by following the procedures and
2192 requirements of Title 51, Chapter 7, State Money Management Act; and

2193 (ii) deposit all interest or other earnings derived from the account into the Mineral
2194 Bonus Account.

2195 (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of

2196 mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year
2197 into the Wildland Fire Suppression Fund created in Section 65A-8-204, up to \$2,000,000 but
2198 not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire
2199 Suppression Fund.

2200 (2) (a) There is created a restricted account within the General Fund known as the
2201 "Mineral Lease Account."

2202 (b) The Mineral Lease Account consists of federal mineral lease money deposited
2203 pursuant to Subsection 59-21-1(1).

2204 (c) The Legislature shall make appropriations from the Mineral Lease Account as
2205 provided in Subsection 59-21-1(1) and this Subsection (2).

2206 (d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), the Legislature shall
2207 annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the
2208 Permanent Community Impact Fund established by Section 35A-8-303.

2209 (ii) For fiscal year 2016-17 only and from the amount required to be deposited under
2210 Subsection (2)(d)(i), the Legislature shall appropriate \$26,000,000 of the deposits made to the
2211 Mineral Lease Account to the Impacted Communities Transportation Development Restricted
2212 Account established by Section 72-2-128.

2213 (iii) For fiscal year 2017-18 only and from the amount required to be deposited under
2214 Subsection (2)(d)(i), the Legislature shall appropriate \$27,000,000 of the deposits made to the
2215 Mineral Lease Account to the Impacted Communities Transportation Development Restricted
2216 Account established by Section 72-2-128.

2217 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the
2218 Mineral Lease Account to the State Board of Education, to be used for education research and
2219 experimentation in the use of staff and facilities designed to improve the quality of education in
2220 Utah.

2221 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the
2222 Mineral Lease Account to the Utah Geological Survey, to be used for activities carried on by
2223 the survey having as a purpose the development and exploitation of natural resources in the
2224 state.

2225 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the
2226 Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used

2227 for activities carried on by the laboratory having as a purpose the development and exploitation
2228 of water resources in the state.

2229 (h) (i) The Legislature shall annually appropriate to the Division of Finance 40% of all
2230 deposits made to the Mineral Lease Account to be distributed as provided in Subsection

2231 (2)(h)(ii) to:

2232 (A) counties;

2233 (B) special service districts established:

2234 (I) by counties;

2235 (II) under Title 17D, Chapter 1, Special Service District Act; and

2236 (III) for the purpose of constructing, repairing, or maintaining roads; or

2237 (C) special service districts established:

2238 (I) by counties;

2239 (II) under Title 17D, Chapter 1, Special Service District Act; and

2240 (III) for other purposes authorized by statute.

2241 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):

2242 (A) in amounts proportionate to the amount of mineral lease money generated by each
2243 county; and

2244 (B) to a county or special service district established by a county under Title 17D,
2245 Chapter 1, Special Service District Act, as determined by the county legislative body.

2246 (i) (i) The Legislature shall annually appropriate 5% of all deposits made to the
2247 Mineral Lease Account to the Department of Workforce Services to be distributed to:

2248 (A) special service districts established:

2249 (I) by counties;

2250 (II) under Title 17D, Chapter 1, Special Service District Act; and

2251 (III) for the purpose of constructing, repairing, or maintaining roads; or

2252 (B) special service districts established:

2253 (I) by counties;

2254 (II) under Title 17D, Chapter 1, Special Service District Act; and

2255 (III) for other purposes authorized by statute.

2256 (ii) The Department of Workforce Services may distribute the amounts described in
2257 Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1,

2258 Special Service District Act, by counties:

2259 (A) of the third, fourth, fifth, or sixth class;

2260 (B) in which 4.5% or less of the mineral lease money within the state is generated; and

2261 (C) that are significantly socially or economically impacted as provided in Subsection

2262 (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.

2263 181 et seq.

2264 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)

2265 shall be as a result of:

2266 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons

2267 as defined in Section 59-5-101;

2268 (B) the employment of persons residing within the county in hydrocarbon extraction,

2269 including the extraction of solid hydrocarbons as defined in Section 59-5-101; or

2270 (C) a combination of Subsections (2)(i)(iii)(A) and (B).

2271 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to

2272 special service districts established by counties under Title 17D, Chapter 1, Special Service

2273 District Act, the Department of Workforce Services shall:

2274 (A) (I) allocate 50% of the appropriations equally among the counties meeting the

2275 requirements of Subsections (2)(i)(ii) and (iii); and

2276 (II) allocate 50% of the appropriations based on the ratio that the population of each

2277 county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population

2278 of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

2279 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the

2280 allocated revenues to special service districts established by the counties under Title 17D,

2281 Chapter 1, Special Service District Act, as determined by the executive director of the

2282 Department of Workforce Services after consulting with the county legislative bodies of the

2283 counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

2284 (v) The executive director of the Department of Workforce Services:

2285 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii)

2286 and (iii);

2287 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service

2288 districts established by counties under Title 17D, Chapter 1, Special Service District Act, that

2289 meet the requirements of Subsections (2)(i)(ii) and (iii); and

2290 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2291 may make rules:

2292 (I) providing a procedure for making the distributions under this Subsection (2)(i) to
2293 special service districts; and

2294 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).

2295 (j) (i) The Legislature shall annually make the following appropriations from the
2296 Mineral Lease Account:

2297 (A) an amount equal to 52 cents multiplied by the number of acres of school or
2298 institutional trust lands, lands owned by the Division of State Parks or the Division of Outdoor
2299 Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu
2300 of taxes contract, to each county in which those lands are located;

2301 (B) to each county in which school or institutional trust lands are transferred to the
2302 federal government after December 31, 1992, an amount equal to the number of transferred
2303 acres in the county multiplied by a payment per acre equal to the difference between 52 cents
2304 per acre and the per acre payment made to that county in the most recent payment under the
2305 federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal
2306 payment was equal to or exceeded the 52 cents per acre, in which case a payment under this
2307 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

2308 (C) to each county in which federal lands, which are entitlement lands under the federal
2309 in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to
2310 the number of transferred acres in the county multiplied by a payment per acre equal to the
2311 difference between the most recent per acre payment made under the federal payment in lieu of
2312 taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52
2313 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for
2314 the transferred land; and

2315 (D) to a county of the fifth or sixth class, an amount equal to the product of:

2316 (I) \$1,000; and

2317 (II) the number of residences described in Subsection (2)(j)(iv) that are located within
2318 the county.

2319 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the

2320 county legislative body, distribute the money or a portion of the money to:

2321 (A) special service districts established by the county under Title 17D, Chapter 1,
2322 Special Service District Act;

2323 (B) school districts; or

2324 (C) public institutions of higher education.

2325 (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the
2326 Division of Finance shall increase or decrease the amounts per acre provided for in Subsections
2327 (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban
2328 consumers published by the Department of Labor.

2329 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance
2330 shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average
2331 annual change in the Consumer Price Index for all urban consumers published by the
2332 Department of Labor.

2333 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

2334 (A) owned by:

2335 (I) the Division of State Parks [~~or~~];

2336 (II) the Division of Outdoor Recreation; or

2337 [~~(III)~~] (III) the Division of Wildlife Resources;

2338 (B) located on lands that are owned by:

2339 (I) the Division of State Parks [~~or~~];

2340 (II) the Division of Outdoor Recreation; or

2341 [~~(III)~~] (III) the Division of Wildlife Resources; and

2342 (C) are not subject to taxation under:

2343 (I) Chapter 2, Property Tax Act; or

2344 (II) Chapter 4, Privilege Tax.

2345 (k) The Legislature shall annually appropriate to the Permanent Community Impact
2346 Fund all deposits remaining in the Mineral Lease Account after making the appropriations
2347 provided for in Subsections (2)(d) through (j).

2348 (3) (a) Each agency, board, institution of higher education, and political subdivision
2349 receiving money under this chapter shall provide the Legislature, through the Office of the
2350 Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual

2351 basis.

2352 (b) The accounting required under Subsection (3)(a) shall:

2353 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the
2354 current fiscal year, and planned expenditures for the following fiscal year; and

2355 (ii) be reviewed by the Business, Economic Development, and Labor Appropriations
2356 Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary
2357 Procedures Act.

2358 Section 40. Section **59-28-103** is amended to read:

2359 **59-28-103. Imposition -- Rate -- Revenue distribution.**

2360 (1) Subject to the other provisions of this chapter, the state shall impose a tax on the
2361 transactions described in Subsection [59-12-103\(1\)\(i\)](#) at a rate of .32%.

2362 (2) The tax imposed under this chapter is in addition to any other taxes imposed on the
2363 transactions described in Subsection [59-12-103\(1\)\(i\)](#).

2364 (3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the
2365 revenue the state collects from the tax under this chapter into the Hospitality and Tourism
2366 Management Education Account created in Section [53F-9-501](#) to fund the Hospitality and
2367 Tourism Management Career and Technical Education Pilot Program created in Section
2368 [53E-3-515](#).

2369 (ii) The commission may not deposit more than \$300,000 into the Hospitality and
2370 Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.

2371 (b) Except for the amount deposited into the Hospitality and Tourism Management
2372 Education Account under Subsection (3)(a) and the administrative charge retained under
2373 Subsection [59-28-104\(4\)](#), the commission shall deposit any revenue the state collects from the
2374 tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section
2375 [79-8-106](#) to fund the Outdoor Recreational Infrastructure Grant Program created in Section
2376 [~~63N-9-202~~] [79-8-401](#) and the Recreation Restoration Infrastructure Grant Program created in
2377 Section [79-8-202](#).

2378 Section 41. Section **63C-21-201** is amended to read:

2379 **63C-21-201. Outdoor Adventure Commission created.**

2380 (1) There is created the Outdoor Adventure Commission consisting of the following
2381 [~~15~~] 14 members:

- 2382 (a) one member of the Senate, appointed by the president of the Senate;
- 2383 (b) one member of the House of Representatives, appointed by the speaker of the
- 2384 House of Representatives;
- 2385 ~~[(c) the director of the Utah Office of Outdoor Recreation, or the director's designee;]~~
- 2386 ~~[(d)]~~ (c) the managing director of the Utah Office of Tourism, or the managing
- 2387 director's designee;
- 2388 ~~[(e)]~~ (d) the director of the Division of Outdoor Recreation, or the director's designee;
- 2389 ~~[(f)]~~ (e) the director of the School and Institutional Trust Lands Administration, or the
- 2390 director's designee;
- 2391 ~~[(g)]~~ (f) the coordinator of the Off-Highway Vehicle ~~[and Recreational Trails]~~ Program
- 2392 within the Division of Outdoor Recreation;
- 2393 ~~[(h)]~~ (g) a representative of the agriculture industry appointed jointly by the president
- 2394 of the Senate and the speaker of the House of Representatives;
- 2395 ~~[(i)]~~ (h) a representative of the natural resources development industry appointed
- 2396 jointly by the president of the Senate and the speaker of the House of Representatives;
- 2397 ~~[(j)]~~ (i) one representative of the Utah League of Cities and Towns appointed by the
- 2398 Utah League of Cities and Towns;
- 2399 ~~[(k)]~~ (j) one representative of the Utah Association of Counties appointed by the Utah
- 2400 Association of Counties;
- 2401 ~~[(l)]~~ (k) one individual appointed jointly by the Utah League of Cities and Towns and
- 2402 the Utah Association of Counties;
- 2403 ~~[(m)]~~ (l) a representative of conservation interests appointed jointly by the president of
- 2404 the Senate and the speaker of the House of Representatives;
- 2405 ~~[(n)]~~ (m) a representative of the outdoor recreation industry appointed jointly by the
- 2406 president of the Senate and the speaker of the House of Representatives; and
- 2407 ~~[(o)]~~ (n) the coordinator of the boating program within the Division of Outdoor
- 2408 Recreation.
- 2409 (2) The commission shall annually select one of ~~[its]~~ the commission's members to be
- 2410 the chair of the commission.
- 2411 (3) (a) If a vacancy occurs in the membership of the commission appointed under
- 2412 Subsection (1)(a) or (b), or Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m), the member

2413 shall be replaced in the same manner in which the original appointment was made.

2414 (b) A member appointed under Subsections [~~(1)(h) through (n)~~] (1)(g) through (m)
2415 shall serve a term of four years and until the member's successor is appointed and qualified.

2416 (c) Notwithstanding the requirements of Subsection (3)(b), for members appointed
2417 under Subsections [~~(1)(h) through (n)~~] (1)(g) through (m), the division shall, at the time of
2418 appointment or reappointment, adjust the length of terms to ensure that the terms of
2419 commission members are staggered so that approximately half of the commission members
2420 appointed under Subsections [~~(1)(h) through (n)~~] (1)(g) through (m) are appointed every two
2421 years.

2422 (d) An individual may be appointed to more than one term.

2423 (4) (a) Eight commission members constitutes a quorum.

2424 (b) The action of a majority of a quorum constitutes an action of the commission.

2425 (5) (a) The salary and expenses of a commission member who is a legislator shall be
2426 paid in accordance with Section [36-2-2](#), Legislative Joint Rules, Title 5, Chapter 2, Lodging,
2427 Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator
2428 Compensation.

2429 (b) A commission member who is not a legislator may not receive compensation or
2430 benefits for the member's service on the commission, but may receive per diem and
2431 reimbursement for travel expenses incurred as a commission member at the rates established by
2432 the Division of Finance under:

2433 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

2434 (ii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2435 [63A-3-107](#).

2436 (6) The Department of Transportation shall serve as a technical advisor to the
2437 commission.

2438 (7) The Division of Outdoor Recreation, created in Section [79-7-201](#), shall provide
2439 staff support to the commission.

2440 Section 42. Section [63C-21-202](#) is amended to read:

2441 **63C-21-202. Strategic plan -- Commission powers and duties -- Consultant --**
2442 **Reports.**

2443 (1) (a) The commission shall gather information on recreation assets from state and

2444 local agencies and other sources and develop a strategic plan aimed at meeting the future needs
2445 of outdoor recreation within the state to enhance the quality of life of Utah residents. Asset lists
2446 received from state and local agencies shall include:

2447 (i) common data points, to be established by the [~~Office of Outdoor Recreation~~]
2448 Division of Outdoor Recreation that can be uniformly compared with other recreation assets
2449 within the state, such as asset type, size, unique characteristics, vegetation, land ownership, and
2450 similar items;

2451 (ii) any specific needs, challenges, or limitations on recreation use of the assets; and

2452 (iii) a ranking of potential enhancements to the assets related to recreation use.

2453 (b) The strategic plan shall address:

2454 (i) outdoor recreation as a major contributor to residents' quality of life;

2455 (ii) the needs and impacts of residents who engage in outdoor recreation;

2456 (iii) the impact on local communities related to outdoor recreation, including the costs
2457 associated with emergency services and infrastructure;

2458 (iv) outdoor recreation as a means to retain and attract an exceptional workforce to
2459 provide for a sustainable economy;

2460 (v) impacts to the environment, wildlife, and natural resources and measures to
2461 preserve the natural beauty of the state as more people engage in outdoor recreation;

2462 (vi) identify opportunities for sustainable revenue sources to provide for maintenance
2463 and future needs;

2464 (vii) the interface with public lands that are federally managed and private lands; and

2465 (viii) other items determined by the commission.

2466 (2) The commission shall:

2467 (a) engage one or more consultants to:

2468 (i) manage the strategic planning process in accordance with Subsection (3); and

2469 (ii) conduct analytical work in accordance with Subsection (3);

2470 (b) guide the analytical work of a consultant described in Subsection (2)(a) and review
2471 the results of the work;

2472 (c) coordinate with a consultant described in Subsection (2)(a) to engage in a process
2473 and create a strategic plan;

2474 (d) conduct regional meetings to gather stakeholder input during the strategic planning

2475 process;

2476 (e) seek input from federal entities including the United States Department of the
2477 Interior, the United States Department of Agriculture, and Utah's congressional delegation; and

2478 (f) produce a final report including a strategic plan and any recommendations.

2479 (3) The commission, by contract with a consultant engaged under Subsection (2)(a),
2480 shall direct the consultant to:

2481 (a) conduct an inventory of existing outdoor recreation resources, programs, and
2482 information;

2483 (b) conduct an analysis of what is needed to develop and implement an effective
2484 outdoor recreation strategy aimed at enhancing the quality of life of Utah residents;

2485 (c) collect and analyze data related to the future projected conditions of the outdoor
2486 recreation resources, programs, and information, including the affordability and financing of
2487 outdoor recreation;

2488 (d) develop alternatives to the projection described in Subsection (3)(c) by modeling
2489 potential changes to the outdoor recreation industry and economic growth;

2490 (e) in coordination with the commission, engage in extensive local stakeholder
2491 involvement to better understand the needs of, concerns of, and opportunities for different
2492 communities and outdoor recreation user types;

2493 (f) recommend accountability or performance measures to assess the effectiveness of
2494 the outdoor recreation system;

2495 (g) based on the data described in this Subsection (3), make comparisons between
2496 outdoor recreation in Utah and outdoor recreation in other states or countries;

2497 (h) in coordination with the commission, conduct the regional meetings described in
2498 Subsection (2)(d) to share information and seek input from a range of stakeholders;

2499 (i) recommend changes to the governance system for outdoor recreation that would
2500 facilitate implementation of the strategic plan;

2501 (j) engage in any other data collection or analysis requested by the commission; and

2502 (k) produce for the commission:

2503 (i) a draft report of findings, observations, and strategic priorities, including:

2504 (A) a statewide vision and strategy for outdoor recreation;

2505 (B) a strategy for how to meaningfully engage stakeholders throughout the state;

2506 (C) funding needs related to outdoor recreation; and
2507 (D) recommendations for the steps the state should take to implement a statewide
2508 vision and strategy for outdoor recreation; and
2509 (ii) a final report, incorporating feedback from the commission on the draft report
2510 described in Subsection (3)(k)(i), regarding the future of the outdoor recreation in the state.
2511 [~~(4) The commission shall consult with the Division of Recreation as provided by~~
2512 ~~statute.~~]

2513 Section 43. Section **63I-1-241** is amended to read:

2514 **63I-1-241. Repeal dates, Title 41.**

2515 (1) Subsection [41-1a-1201](#)(9), related to the Spinal Cord and Brain Injury
2516 Rehabilitation Fund, is repealed January 1, 2025.

2517 (2) Section [41-3-106](#), which creates an advisory board related to motor vehicle
2518 business regulation, is repealed July 1, 2024.

2519 (3) The following subsections addressing lane filtering are repealed on July 1, 2022:

2520 (a) Subsection [41-6a-102](#)(30) that defines "lane filtering";

2521 (b) Subsection [41-6a-704](#)(5); and

2522 (c) Subsection [41-6a-710](#)(1)(c).

2523 (4) Subsection [41-6a-1406](#)(6)(b)(iii), related to the Spinal Cord and Brain Injury
2524 Rehabilitation Fund, is repealed January 1, 2025.

2525 (5) Subsections [41-22-2](#)(1) and [41-22-10](#)(1)(a), which [~~create the Off-highway Vehicle~~
2526 ~~Advisory Council~~] authorize an advisory council that includes in the advisory council's duties
2527 addressing off-highway vehicle issues, are repealed July 1, 2027.

2528 (6) Subsection [41-22-8](#)(3), related to the Spinal Cord and Brain Injury Rehabilitation
2529 Fund, is repealed January 1, 2025.

2530 Section 44. Section **63I-1-263** is amended to read:

2531 **63I-1-263. Repeal dates, Titles 63A to 63N.**

2532 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

2533 (a) Section [63A-16-102](#) is repealed;

2534 (b) Section [63A-16-201](#) is repealed; and

2535 (c) Section [63A-16-202](#) is repealed.

2536 (2) Subsection [63A-5b-405](#)(5), relating to prioritizing and allocating capital

2537 improvement funding, is repealed July 1, 2024.

2538 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
2539 2023.

2540 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
2541 Committee, are repealed July 1, 2023.

2542 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
2543 1, 2028.

2544 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
2545 2025.

2546 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
2547 2024.

2548 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
2549 repealed July 1, 2023.

2550 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
2551 July 1, 2023.

2552 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
2553 repealed July 1, 2026.

2554 (11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed
2555 July 1, 2025.

2556 (12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities
2557 Advisory Board, is repealed July 1, 2026.

2558 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
2559 2025.

2560 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
2561 2024.

2562 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

2563 (16) Subsection 63J-1-602.1(17), Nurse Home Visiting Restricted Account is repealed
2564 July 1, 2026.

2565 (17) (a) Subsection 63J-1-602.1(61), relating to the Utah Statewide Radio System
2566 Restricted Account, is repealed July 1, 2022.

2567 (b) When repealing Subsection 63J-1-602.1(61), the Office of Legislative Research and

2568 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
2569 necessary changes to subsection numbering and cross references.

2570 (18) Subsection 63J-1-602.2~~(5)~~(4), referring to dedicated credits to the Utah Marriage
2571 Commission, is repealed July 1, 2023.

2572 (19) Subsection 63J-1-602.2~~(6)~~(5), referring to the Trip Reduction Program, is
2573 repealed July 1, 2022.

2574 (20) Subsection 63J-1-602.2~~(24)~~(23), related to the Utah Seismic Safety
2575 Commission, is repealed January 1, 2025.

2576 (21) [~~Title 63J, Chapter 4, Part 5~~] Title 63L, Chapter 11, Part 4, Resource
2577 Development Coordinating Committee, is repealed July 1, 2027.

2578 (22) In relation to the advisory committee created in Subsection 63L-11-305(3), on July
2579 1, 2022:

2580 (a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and

2581 (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.

2582 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
2583 January 1, 2023:

2584 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
2585 repealed;

2586 (b) Section 63M-7-305, the language that states "council" is replaced with
2587 "commission";

2588 (c) Subsection 63M-7-305(1) is repealed and replaced with:

2589 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

2590 (d) Subsection 63M-7-305(2) is repealed and replaced with:

2591 "(2) The commission shall:

2592 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
2593 Drug-Related Offenses Reform Act; and

2594 (b) coordinate the implementation of Section 77-18-104 and related provisions in
2595 Subsections 77-18-103(2)(c) and (d)."

2596 (24) The Crime Victim Reparations and Assistance Board, created in Section
2597 63M-7-504, is repealed July 1, 2027.

2598 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July

- 2599 1, 2022.
- 2600 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 2601 (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
- 2602 Council, is repealed July 1, 2024.
- 2603 (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 2604 (29) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed July
- 2605 1, 2028.
- 2606 (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
- 2607 January 1, 2021.
- 2608 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for
- 2609 calendar years beginning on or after January 1, 2021.
- 2610 (c) Notwithstanding Subsection (30)(b), an entity may carry forward a tax credit in
- 2611 accordance with Section [59-9-107](#) if:
- 2612 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December
- 2613 31, 2020; and
- 2614 (ii) the qualified equity investment that is the basis of the tax credit is certified under
- 2615 Section [63N-2-603](#) on or before December 31, 2023.
- 2616 (31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
- 2617 July 1, 2023.
- 2618 (32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,
- 2619 2025.
- 2620 [~~(33) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,~~
- 2621 ~~is repealed January 1, 2028.~~]
- 2622 Section 45. Section **63I-1-273** is amended to read:
- 2623 **63I-1-273. Repeal dates, Title 73.**
- 2624 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed
- 2625 January 1, 2031.
- 2626 (2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1,
- 2627 2025.
- 2628 (3) Section [73-18-3.5](#), which [~~creates the Boating Advisory Council~~] authorizes the
- 2629 Division of Outdoor Recreation to appoint an advisory council that includes in the advisory

- 2630 council's duties advising on boating policies, is repealed July 1, 2024.
- 2631 (4) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,
2632 2027.
- 2633 (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31, 2030:
- 2634 (a) Subsection 73-1-4(2)(e)(xi) is repealed;
- 2635 (b) Subsection 73-10-4(1)(h) is repealed; and
- 2636 (c) Title 73, Chapter 31, Water Banking Act, is repealed.
- 2637 Section 46. Section **63I-1-279** is amended to read:
- 2638 **63I-1-279. Repeal dates, Title 79.**
- 2639 (1) Subsection 79-2-201(2)[(†)](p), related to the Heritage Trees Advisory Committee,
2640 is repealed July 1, 2026.
- 2641 (2) Subsection 79-2-201(2)[(†)](q), related to the [~~Recreational Trails Advisory~~
2642 ~~Council~~] Utah Outdoor Recreation Infrastructure Advisory Committee, is repealed July 1,
2643 2027.
- 2644 (3) Subsection 79-2-201(2)[(†)](r)(i), related to [~~the Boating Advisory Council~~] an
2645 advisory council created by the Division of Outdoor Recreation to advise on boating policies, is
2646 repealed July 1, 2024.
- 2647 (4) Subsection 79-2-201(2)[(†)](s), related to the Wildlife Board Nominating
2648 Committee, is repealed July 1, 2023.
- 2649 (5) Subsection 79-2-201(2)[(†)](t), related to regional advisory councils for the
2650 Wildlife Board, is repealed July 1, 2023.
- 2651 [~~(6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational~~
2652 ~~Trails Advisory Council, is repealed July 1, 2027.]~~
- 2653 (6) Section 79-7-206, creating the Utah Outdoor Recreation Infrastructure Advisory
2654 Committee, is repealed July 1, 2027.
- 2655 (7) Title 79, Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant Program, is
2656 repealed January 1, 2028.
- 2657 Section 47. Section **63I-2-204** is amended to read:
- 2658 **63I-2-204. Repeal dates -- Title 4.**
- 2659 (1) Title 4, Chapter 2, Part 6, Local Food Advisory Council, is repealed November 30,
2660 2022.

2661 (2) Section 4-46-104, Transition, is repealed July 1, 2024.

2662 Section 48. Section **63I-2-279** is amended to read:

2663 **63I-2-279. Repeal dates, Title 79.**

2664 (1) Section 79-2-206, Transition, is repealed July 1, [~~2022~~] 2024.

2665 (2) Title 79, Chapter 6, Part 8, Voluntary Home Energy Information Pilot Program Act,
2666 is repealed January 1, 2022.

2667 Section 49. Section **63J-1-601** is amended to read:

2668 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**
2669 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**
2670 **accounts and funds -- Institutions of higher education to report unexpended balances.**

2671 (1) As used in this section:

2672 (a) "Education grant subrecipient" means a nonfederal entity that:

2673 (i) receives a subaward from the State Board of Education to carry out at least part of a
2674 federal or state grant program; and

2675 (ii) does not include an individual who is a beneficiary of the federal or state grant
2676 program.

2677 (b) "Transaction control number" means the unique numerical identifier established by
2678 the Department of Health to track each medical claim and indicates the date on which the claim
2679 is entered.

2680 (2) On or before August 31 of each fiscal year, the director of the Division of Finance
2681 shall close out to the proper fund or account all remaining unexpended and unencumbered
2682 balances of appropriations made by the Legislature, except:

2683 (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:

2684 (i) enterprise funds;

2685 (ii) internal service funds;

2686 (iii) trust and agency funds;

2687 (iv) capital projects funds;

2688 (v) discrete component unit funds;

2689 (vi) debt service funds; and

2690 (vii) permanent funds;

2691 (b) those appropriations from a fund or account or appropriations to a program that are

2692 designated as nonlapsing under Section [63J-1-602.1](#) or [63J-1-602.2](#);

2693 (c) expendable special revenue funds, unless specifically directed to close out the fund
2694 in the fund's enabling legislation;

2695 (d) acquisition and development funds appropriated to the Division of State Parks or
2696 the Division of Outdoor Recreation;

2697 (e) funds encumbered to pay purchase orders issued [~~prior to~~] before May 1 for capital
2698 equipment if delivery is expected before June 30; and

2699 (f) unexpended and unencumbered balances of appropriations that meet the
2700 requirements of Section [63J-1-603](#).

2701 (3) (a) Liabilities and related expenses for goods and services received on or before
2702 June 30 shall be recognized as expenses due and payable from appropriations made [~~prior to~~]
2703 before June 30.

2704 (b) The liability and related expense shall be recognized within time periods
2705 established by the Division of Finance but shall be recognized not later than August 31.

2706 (c) Liabilities and expenses not so recognized may be paid from regular departmental
2707 appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and
2708 unencumbered balances of appropriations for the years in which the obligation was incurred.

2709 (d) [~~No amounts may~~] Amounts may not be transferred from an item of appropriation
2710 of any department, institution, or agency into the Capital Projects Fund or any other fund
2711 without the prior express approval of the Legislature.

2712 (4) (a) For purposes of this chapter, a claim processed under the authority of Title 26,
2713 Chapter 18, Medical Assistance Act:

2714 (i) is not a liability or an expense to the state for budgetary purposes, unless the
2715 Division of Health Care Financing receives the claim within the time periods established by the
2716 Division of Finance under Subsection (3)(b); and

2717 (ii) is not subject to Subsection (3)(c).

2718 (b) The transaction control number that the Division of Health Care Financing records
2719 on each claim invoice is the date of receipt.

2720 (5) (a) For purposes of this chapter, a claim processed in accordance with Title 35A,
2721 Chapter 13, Utah State Office of Rehabilitation Act:

2722 (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah

2723 State Office of Rehabilitation receives the claim within the time periods established by the
2724 Division of Finance under Subsection (3)(b); and

2725 (ii) is not subject to Subsection (3)(c).

2726 (b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the
2727 date on which the Utah State Office of Rehabilitation receives the claim invoice.

2728 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this
2729 section.

2730 (6) (a) For purposes of this chapter, a reimbursement request received from an
2731 education grant subrecipient:

2732 (i) is not a liability or expense to the state for budgetary purposes, unless the State
2733 Board of Education receives the claim within the time periods described in Subsection (3)(b);
2734 and

2735 (ii) is not subject to Subsection (3)(c).

2736 (b) The transaction control number that the State Board of Education records on a
2737 claim invoice is the date of receipt.

2738 (7) Any balance from an appropriation to a state institution of higher education that
2739 remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by
2740 the September 1 following the close of the fiscal year.

2741 Section 50. Section **63J-1-602.2** is amended to read:

2742 **63J-1-602.2. List of nonlapsing appropriations to programs.**

2743 Appropriations made to the following programs are nonlapsing:

2744 (1) The Legislature and the Legislature's committees.

2745 (2) The State Board of Education, including all appropriations to agencies, line items,
2746 and programs under the jurisdiction of the State Board of Education, in accordance with
2747 Section [53F-9-103](#).

2748 (3) The Percent-for-Art Program created in Section [9-6-404](#).

2749 (4) The LeRay McAllister Critical Land Conservation Program created in Section
2750 [~~11-38-301~~] [4-46-301](#).

2751 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under
2752 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

2753 (6) The Trip Reduction Program created in Section [19-2a-104](#).

- 2754 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
2755 the Pelican Management Act, as provided in Section [23-21a-6](#).
- 2756 (8) The emergency medical services grant program in Section [26-8a-207](#).
- 2757 (9) The primary care grant program created in Section [26-10b-102](#).
- 2758 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection
2759 [26-18-3](#)(7).
- 2760 (11) The Utah Health Care Workforce Financial Assistance Program created in Section
2761 [26-46-102](#).
- 2762 (12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).
- 2763 (13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 2764 (14) Funds that the Department of Alcoholic Beverage Control retains in accordance
2765 with Subsection [32B-2-301](#) (9)(a) or (b).
- 2766 (15) The General Assistance program administered by the Department of Workforce
2767 Services, as provided in Section [35A-3-401](#).
- 2768 (16) The Utah National Guard, created in Title 39, Militia and Armories.
- 2769 (17) The State Tax Commission under Section [41-1a-1201](#) for the:
- 2770 (a) purchase and distribution of license plates and decals; and
- 2771 (b) administration and enforcement of motor vehicle registration requirements.
- 2772 (18) The Search and Rescue Financial Assistance Program, as provided in Section
2773 [53-2a-1102](#).
- 2774 (19) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 2775 (20) The Utah Board of Higher Education for teacher preparation programs, as
2776 provided in Section [53B-6-104](#).
- 2777 (21) The Medical Education Program administered by the Medical Education Council,
2778 as provided in Section [53B-24-202](#).
- 2779 (22) The Division of Services for People with Disabilities, as provided in Section
2780 [62A-5-102](#).
- 2781 (23) The Division of Fleet Operations for the purpose of upgrading underground
2782 storage tanks under Section [63A-9-401](#).
- 2783 (24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 2784 (25) Appropriations to the Division of Technology Services for technology innovation

2785 as provided under Section [63A-16-903](#).

2786 (26) The Office of Administrative Rules for publishing, as provided in Section
2787 [63G-3-402](#).

2788 (27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
2789 Colorado River Authority of Utah Act.

2790 (28) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
2791 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

2792 (29) Appropriations to fund the Governor's Office of Economic Opportunity's Rural
2793 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
2794 Employment Expansion Program.

2795 (30) Appropriations to fund programs for the Jordan River Recreation Area as
2796 described in Section [65A-2-8](#).

2797 (31) The Division of Human Resource Management user training program, as provided
2798 in Section [63A-17-106](#).

2799 (32) A public safety answering point's emergency telecommunications service fund, as
2800 provided in Section [69-2-301](#).

2801 (33) The Traffic Noise Abatement Program created in Section [72-6-112](#).

2802 (34) The money appropriated from the Navajo Water Rights Negotiation Account to
2803 the Division of Water Rights, created in Section [73-2-1.1](#), for purposes of participating in a
2804 settlement of federal reserved water right claims.

2805 (35) The Judicial Council for compensation for special prosecutors, as provided in
2806 Section [77-10a-19](#).

2807 (36) A state rehabilitative employment program, as provided in Section [78A-6-210](#).

2808 (37) The Utah Geological Survey, as provided in Section [79-3-401](#).

2809 (38) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).

2810 (39) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and
2811 [78B-6-144.5](#).

2812 (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
2813 Defense Commission.

2814 (41) The program established by the Division of Facilities Construction and
2815 Management under Section [63A-5b-703](#) under which state agencies receive an appropriation

2816 and pay lease payments for the use and occupancy of buildings owned by the Division of
2817 Facilities Construction and Management.

2818 Section 51. Section **63L-7-104** is amended to read:

2819 **63L-7-104. Identification of a potential wilderness area.**

2820 (1) (a) Subject to Subsection (1)(b), the director of PLPCO, within one year of the
2821 acquisition date, shall identify within a parcel of acquired land any conservation areas.

2822 (b) Before identifying a parcel of land as a conservation area, the director of PLPCO
2823 shall:

2824 (i) inform the School and Institutional Trust Lands Administration that a parcel is
2825 being considered for designation as a conservation area; and

2826 (ii) provide the School and Institutional Trust Lands Administration with the
2827 opportunity to trade out land owned by the School and Institutional Trust Lands Administration
2828 for the parcel in question subject to reaching an exchange agreement with the agency that
2829 manages the parcel.

2830 (2) The director of PLPCO shall:

2831 (a) file a map and legal description of each identified conservation area with the
2832 governor, the Senate, and the House of Representatives;

2833 (b) maintain, and make available to the public, records pertaining to identified
2834 conservation areas, including:

2835 (i) maps;

2836 (ii) legal descriptions;

2837 (iii) copies of proposed regulations governing the conservation area; and

2838 (iv) copies of public notices of, and reports submitted to the Legislature, regarding
2839 pending additions, eliminations, or modifications to a conservation area; and

2840 (c) within five years of the date of acquisition:

2841 (i) review each identified conservation area for its suitability to be classified as a
2842 protected wilderness area; and

2843 (ii) report the findings under Subsection (2)(c)(i) to the governor.

2844 (3) The records described in Subsection (2)(b) shall be available for inspection at:

2845 (a) the PLPCO office;

2846 (b) the main office of DNR;

2847 (c) a regional office of the Division of Forestry, Fire, and State Lands for any record
2848 that deals with an identified conservation area in that region; and

2849 (d) the Division of State Parks or the Division of Outdoor Recreation.

2850 (4) A conservation area may be designated as a protected wilderness area as described
2851 in Section 63L-7-105.

2852 (5) A conservation area identified under Subsection (1) shall be managed by DNR, in
2853 coordination with the county government having jurisdiction over the area, without the
2854 conservation area being designated as a protected wilderness area unless otherwise provided by
2855 the Legislature.

2856 Section 52. Section **63L-11-402** is amended to read:

2857 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

2858 (1) The Resource Development Coordinating Committee consists of the following [25]
2859 26 members:

2860 (a) the state science advisor;

2861 (b) a representative from the Department of Agriculture and Food appointed by the
2862 [~~executive director~~] commissioner of the Department of Agriculture and Food;

2863 (c) a representative from the Department of Cultural and Community Engagement
2864 appointed by the executive director of the Department of Cultural and Community
2865 Engagement;

2866 (d) a representative from the Department of Environmental Quality appointed by the
2867 executive director of the Department of Environmental Quality;

2868 (e) a representative from the Department of Natural Resources appointed by the
2869 executive director of the Department of Natural Resources;

2870 (f) a representative from the Department of Transportation appointed by the executive
2871 director of the Department of Transportation;

2872 (g) a representative from the Governor's Office of Economic Opportunity appointed by
2873 the director of the Governor's Office of Economic Opportunity;

2874 (h) a representative from the Housing and Community Development Division
2875 appointed by the director of the Housing and Community Development Division;

2876 (i) a representative from the Division of State History appointed by the director of the
2877 Division of State History;

- 2878 (j) a representative from the Division of Air Quality appointed by the director of the
2879 Division of Air Quality;
- 2880 (k) a representative from the Division of Drinking Water appointed by the director of
2881 the Division of Drinking Water;
- 2882 (l) a representative from the Division of Environmental Response and Remediation
2883 appointed by the director of the Division of Environmental Response and Remediation;
- 2884 (m) a representative from the Division of Waste Management and Radiation Control
2885 appointed by the director of the Division of Waste Management and Radiation Control;
- 2886 (n) a representative from the Division of Water Quality appointed by the director of the
2887 Division of Water Quality;
- 2888 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
2889 director of the Division of Oil, Gas, and Mining;
- 2890 (p) a representative from the Division of Parks appointed by the director of the
2891 Division of Parks;
- 2892 (q) a representative from the Division of Outdoor Recreation appointed by the director
2893 of the Division of Outdoor Recreation;
- 2894 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by
2895 the director of the Division of Forestry, Fire, and State Lands;
- 2896 (s) a representative from the Utah Geological Survey appointed by the director of the
2897 Utah Geological Survey;
- 2898 (t) a representative from the Division of Water Resources appointed by the director of
2899 the Division of Water Resources;
- 2900 (u) a representative from the Division of Water Rights appointed by the director of the
2901 Division of Water Rights;
- 2902 (v) a representative from the Division of Wildlife Resources appointed by the director
2903 of the Division of Wildlife Resources;
- 2904 (w) a representative from the School and Institutional Trust Lands Administration
2905 appointed by the director of the School and Institutional Trust Lands Administration;
- 2906 (x) a representative from the Division of Facilities Construction and Management
2907 appointed by the director of the Division of Facilities Construction and Management; [~~and~~]
- 2908 (y) a representative from the Division of Emergency Management appointed by the

2909 director of the Division of Emergency Management[-]; and

2910 (z) a representative from the Division of Conservation, created under Section [4-46-401](#),
2911 appointed by the director of the Division of Conservation.

2912 (2) (a) As particular issues require, the coordinating committee may, by majority vote
2913 of the members present, appoint additional temporary members to serve as ex officio voting
2914 members.

2915 (b) Those ex officio members may discuss and vote on the issue or issues for which
2916 they were appointed.

2917 (3) A chair shall be selected by a [~~majority~~] vote of 14 committee members with the
2918 concurrence of the executive director.

2919 (4) A member may not receive compensation or benefits for the member's service, but
2920 may receive per diem and travel expenses in accordance with:

2921 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

2922 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2923 [63A-3-107](#).

2924 Section 53. Section **63N-3-602** is amended to read:

2925 **63N-3-602. Definitions.**

2926 As used in this part:

2927 (1) "Affordable housing" means [~~the same as that term is defined in Section~~
2928 [11-38-102](#)] housing occupied or reserved for occupancy by households with a gross household
2929 income equal to or less than 80% of the median gross income of the applicable municipal or
2930 county statistical area for households of the same size.

2931 (2) "Agency" means the same as that term is defined in Section [17C-1-102](#).

2932 (3) "Base taxable value" means a property's taxable value as shown upon the
2933 assessment roll last equalized during the base year.

2934 (4) "Base year" means, for a proposed housing and transit reinvestment zone area, a
2935 year determined by the last equalized tax roll before the adoption of the housing and transit
2936 reinvestment zone.

2937 (5) (a) "Commuter rail" means a heavy-rail passenger rail transit facility operated by a
2938 large public transit district.

2939 (b) "Commuter rail" does not include a light-rail passenger rail facility of a large public

2940 transit district.

2941 (6) "Commuter rail station" means a station, stop, or terminal along an existing
2942 commuter rail line, or along an extension to an existing commuter rail line or new commuter
2943 rail line that is included in a metropolitan planning organization's adopted long-range
2944 transportation plan.

2945 (7) "Dwelling unit" means one or more rooms arranged for the use of one or more
2946 individuals living together, as a single housekeeping unit normally having cooking, living,
2947 sanitary, and sleeping facilities.

2948 (8) "Enhanced development" means the construction of mixed uses including housing,
2949 commercial uses, and related facilities, at an average density of 50 dwelling units or more per
2950 acre on the developable acres.

2951 (9) "Enhanced development costs" means extra costs associated with structured
2952 parking costs, vertical construction costs, horizontal construction costs, life safety costs,
2953 structural costs, conveyor or elevator costs, and other costs incurred due to the increased height
2954 of buildings or enhanced development.

2955 (10) "Horizontal construction costs" means the additional costs associated with
2956 earthwork, over excavation, utility work, transportation infrastructure, and landscaping to
2957 achieve enhanced development in the housing and transit reinvestment zone.

2958 (11) "Housing and transit reinvestment zone" means a housing and transit reinvestment
2959 zone created pursuant to this part.

2960 (12) "Housing and transit reinvestment zone committee" means a housing and transit
2961 reinvestment zone committee created pursuant to Section [63N-3-605](#).

2962 (13) "Large public transit district" means the same as that term is defined in Section
2963 [17B-2a-802](#).

2964 (14) "Metropolitan planning organization" means the same as that term is defined in
2965 Section [72-1-208.5](#).

2966 (15) "Mixed use development" means development with a mix of multi-family
2967 residential use and at least one additional land use.

2968 (16) "Municipality" means the same as that term is defined in Section [10-1-104](#).

2969 (17) "Participant" means the same as that term is defined in Section [17C-1-102](#).

2970 (18) "Participation agreement" means the same as that term is defined in Section

2971 17C-1-102.

2972 (19) "Public transit county" means a county that has created a small public transit
2973 district.

2974 (20) "Public transit hub" means a public transit depot or station where four or more
2975 routes serving separate parts of the county-created transit district stop to transfer riders between
2976 routes.

2977 (21) "Sales and use tax base year" means a sales and use tax year determined by the
2978 first year pertaining to the tax imposed in Section 59-12-103 after the sales and use tax
2979 boundary for a housing and transit reinvestment zone is established.

2980 (22) "Sales and use tax boundary" means a boundary created as described in Section
2981 63N-3-604, based on state sales and use tax collection that corresponds as closely as reasonably
2982 practicable to the housing and transit reinvestment zone boundary.

2983 (23) "Sales and use tax increment" means the difference between:

2984 (a) the amount of state sales and use tax revenue generated each year following the
2985 sales and use tax base year by the sales and use tax from the area within a housing and transit
2986 reinvestment zone designated in the housing and transit reinvestment zone proposal as the area
2987 from which sales and use tax increment is to be collected; and

2988 (b) the amount of state sales and use tax revenue that was generated from that same
2989 area during the sales and use tax base year.

2990 (24) "Sales and use tax revenue" means revenue that is generated from the tax imposed
2991 under Section 59-12-103.

2992 (25) "Small public transit district" means the same as that term is defined in Section
2993 17B-2a-802.

2994 (26) "Tax commission" means the State Tax Commission created in Section 59-1-201.

2995 (27) "Tax increment" means the difference between:

2996 (a) the amount of property tax revenue generated each tax year by a taxing entity from
2997 the area within a housing and transit reinvestment zone designated in the housing and transit
2998 reinvestment zone proposal as the area from which tax increment is to be collected, using the
2999 current assessed value and each taxing entity's current certified tax rate as defined in Section
3000 59-2-924; and

3001 (b) the amount of property tax revenue that would be generated from that same area

3002 using the base taxable value and each taxing entity's current certified tax rate as defined in
3003 Section 59-2-924.

3004 (28) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

3005 (29) "Vertical construction costs" means the additional costs associated with
3006 construction above four stories and structured parking to achieve enhanced development in the
3007 housing and transit reinvestment zone.

3008 Section 54. Section 65A-3-1 is amended to read:

3009 **65A-3-1. Trespassing on state lands -- Penalties.**

3010 (1) As used in this section:

3011 (a) "Anchored" means the same as that term is defined in Section 73-18-2.

3012 (b) "Beached" means the same as that term is defined in Section 73-18-2.

3013 (c) "Motorboat" means the same as that term is defined in Section 73-18-2.

3014 (d) "Vessel" means the same as that term is defined in Section 73-18-2.

3015 (2) A person is guilty of a class B misdemeanor and liable for the civil damages
3016 prescribed in Subsection (4) if, without written authorization from the division, the person:

3017 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,
3018 soil, vegetation, or improvement on state lands;

3019 (b) grazes livestock on state lands;

3020 (c) uses, occupies, or constructs improvements or structures on state lands;

3021 (d) uses or occupies state lands for more than 30 days after the cancellation or
3022 expiration of written authorization;

3023 (e) knowingly and willfully uses state lands for commercial gain;

3024 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,
3025 or paleontological resource on state lands;

3026 (g) starts or maintains a fire on state lands except in a posted and designated area;

3027 (h) camps on state lands, except in posted or designated areas;

3028 (i) camps on state lands for longer than 15 consecutive days at the same location or
3029 within one mile of the same location;

3030 (j) camps on state lands for 15 consecutive days, and then returns to camp at the same
3031 location before 15 consecutive days have elapsed after the day on which the person left that
3032 location;

3033 (k) leaves an anchored or beached vessel unattended for longer than 48 hours on state
3034 lands;

3035 (l) anchors or beaches a vessel on state lands at the same location for longer than 72
3036 hours or within two miles of the same location for longer than 72 hours;

3037 (m) anchors or beaches a vessel on state lands at the same location for 72 hours, and
3038 then returns to anchor or beach the vessel at the same location or within two miles of the same
3039 location before 72 hours have elapsed after the day on which the person left that location;

3040 (n) posts a sign claiming state land as private property;

3041 (o) prohibits, prevents, or obstructs public entry to state land where public entry is
3042 authorized by the division; or

3043 (p) parks or operates a motor vehicle on the bed of a navigable lake or river except in
3044 those areas:

3045 (i) supervised by the Division of State Parks, the Division of Outdoor Recreation, or
3046 another state or local enforcement entity; and

3047 (ii) which are posted as open to vehicle use.

3048 (3) A person is guilty of a class C misdemeanor and liable for civil damages described
3049 in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of
3050 the division, the person:

3051 (a) parks or operates a motor vehicle in an area on the exposed lake bed that is
3052 specifically posted by the division as closed for usage;

3053 (b) camps, except in an area that is posted and designated as open to camping;

3054 (c) exceeds a speed limit of 10 miles per hour while operating a motor vehicle;

3055 (d) drives recklessly while operating a motor vehicle;

3056 (e) parks or operates a motor vehicle within an area between the water's edge and 100
3057 feet of the water's edge except as necessary to:

3058 (i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a
3059 motorboat;

3060 (ii) transport an individual with limited mobility; or

3061 (iii) deposit or retrieve equipment to a beach site;

3062 (f) travels in a motor vehicle parallel to the water's edge:

3063 (i) in areas designated by the division as closed;

- 3064 (ii) a distance greater than 500 yards; or
- 3065 (iii) for purposes other than travel to or from a beach site;
- 3066 (g) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or
- 3067 (h) starts a campfire or uses fireworks.

3068 (4) A person who commits any act described in Subsection (2) or (3) is liable for
3069 damages in the amount of:

- 3070 (a) three times the value of the mineral or other resource removed, destroyed, or
3071 extracted;
- 3072 (b) three times the value of damage committed; or
- 3073 (c) three times the consideration which would have been charged by the division for
3074 use of the land during the period of trespass.

3075 (5) In addition to the damages described in Subsection (4), a person found guilty of a
3076 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section
3077 [76-3-204](#).

3078 (6) Money collected under this section shall be deposited in the fund in which similar
3079 revenues from that land would be deposited.

3080 Section 55. Section **65A-10-2** is amended to read:

3081 **65A-10-2. Recreational use of sovereign lands.**

3082 (1) The division, with the approval of the executive director of the Department of
3083 Natural Resources and the governor, may set aside for public or recreational use any part of the
3084 lands claimed by the state as the beds of lakes or streams.

3085 (2) Management of those lands may be delegated to the Division of State Parks, the
3086 Division of Outdoor Recreation, the Division of Wildlife Resources, or any other state agency.

3087 Section 56. Section **72-11-204** is amended to read:

3088 **72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of**
3089 **Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

3090 (1) When a vacancy occurs in the membership for any reason, the replacement shall be
3091 appointed for the unexpired term.

3092 (2) A member may not receive compensation or benefits for the member's service, but
3093 may receive per diem and travel expenses in accordance with:

- 3094 (a) Section [63A-3-106](#);

- 3095 (b) Section 63A-3-107; and
3096 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3097 63A-3-107.
- 3098 (3) Reimbursement shall be made from fees collected by the committee for services
3099 rendered by [it] the committee.
- 3100 (4) The Department of Transportation shall supply the committee with office
3101 accommodation, space, equipment, and secretarial assistance the executive director considers
3102 adequate for the committee.
- 3103 (5) In addition to the functions, powers, duties, rights, and responsibilities granted to
3104 [it] the committee under this chapter, the committee shall assume and have all of the functions,
3105 powers, duties, rights, and responsibilities of the Division of Outdoor Recreation in relation to
3106 passenger ropeway systems pursuant to that chapter.
- 3107 Section 57. Section 73-3-31 is amended to read:
3108 **73-3-31. Water right for watering livestock on public land.**
- 3109 (1) As used in this section:
3110 (a) "Acquire" means to gain the right to use water through obtaining:
3111 (i) an approved application to appropriate water; or
3112 (ii) a perfected water right.
3113 (b) "Allotment" means a designated area of public land available for livestock grazing.
3114 (c) "Animal unit month (AUM)" is the amount of forage needed to sustain one cow and
3115 her calf, one horse, or five sheep and goats for one month.
3116 (d) (i) "Beneficial user" means the person that has the right to use the grazing permit.
3117 (ii) "Beneficial user" does not mean the public land agency issuing the grazing permit.
3118 (e) "Grazing permit" means a document authorizing livestock to graze on an allotment.
3119 (f) "Livestock" means a domestic animal raised or kept for profit or personal use.
3120 (g) "Livestock watering right" means a right for:
3121 (i) livestock to consume water:
3122 (A) directly from the water source located on public land; or
3123 (B) from an impoundment located on public land into which the water is diverted; and
3124 (ii) associated uses of water related to the raising and care of livestock on public land.
3125 (h) (i) "Public land" means land owned or managed by the United States or the state.

- 3126 (ii) "Public land" does not mean land owned by:
- 3127 (A) the Division of Wildlife Resources;
- 3128 (B) the School and Institutional Trust Lands Administration; [~~or~~]
- 3129 (C) the Division of State Parks; or
- 3130 (D) the Division of Outdoor Recreation.
- 3131 (i) "Public land agency" means the agency that owns or manages the public land.
- 3132 (2) A public land agency may not:
- 3133 (a) condition the issuance, renewal, amendment, or extension of any permit, approval,
- 3134 license, allotment, easement, right-of-way, or other land use occupancy agreement regarding
- 3135 livestock on the transfer of any water right directly to the public land agency;
- 3136 (b) require any water user to apply for, or acquire a water right in the name of, the
- 3137 public land agency as a condition for the issuance, renewal, amendment, or extension of any
- 3138 permit, approval, license, allotment, easement, right-of-way, or other land use occupancy
- 3139 agreement regarding livestock; or
- 3140 (c) acquire a livestock watering right if the public land agency is not a beneficial user.
- 3141 (3) The state engineer may not approve a change application under Section 73-3-3 for a
- 3142 livestock watering right without the consent of the beneficial user.
- 3143 (4) A beneficial user may file a nonuse application under Section 73-1-4 on a livestock
- 3144 watering right or a portion of a livestock watering right that the beneficial user puts to
- 3145 beneficial use.
- 3146 (5) A livestock watering right is appurtenant to the allotment on which the livestock is
- 3147 watered.
- 3148 (6) (a) (i) A beneficial user or a public land agency may file a request with the state
- 3149 engineer for a livestock water use certificate.
- 3150 (ii) The state engineer shall:
- 3151 (A) provide the livestock water use certificate application form on the Internet; and
- 3152 (B) allow electronic submission of the livestock water use certificate application.
- 3153 (b) The state engineer shall grant a livestock water use certificate to a beneficial user if
- 3154 the beneficial user:
- 3155 (i) demonstrates that the beneficial user has a right to use a grazing permit for the
- 3156 allotment to which the livestock watering right is appurtenant; and

- 3157 (ii) pays the fee set in accordance with Section 73-2-14.
- 3158 (c) A livestock water use certificate is valid as long as the livestock watering right is:
- 3159 (i) held by a beneficial user who has the right to use the grazing permit and graze
- 3160 livestock on the allotment;
- 3161 (ii) put to beneficial use within a seven-year time period; or
- 3162 (iii) subject to a nonuse application approved under Section 73-1-4.
- 3163 (7) A beneficial user may access or improve an allotment as necessary for the
- 3164 beneficial user to beneficially use, develop, and maintain the beneficial user's water right
- 3165 appurtenant to the allotment.
- 3166 (8) If a federal land management agency reduces livestock grazing AUMs on federal
- 3167 grazing allotments, and the reduction results in the partial forfeiture of an appropriated water
- 3168 right, the amount of water in question for nonuse as a livestock water right shall be held in trust
- 3169 by the state engineer until such water may be appropriated for livestock watering, consistent
- 3170 with this act and state law.
- 3171 (9) Nothing in this section affects a livestock watering right or a livestock water use
- 3172 certificate held by a public land agency on May 13, 2014.
- 3173 Section 58. Section 73-18-2 is amended to read:
- 3174 **73-18-2. Definitions.**
- 3175 As used in this chapter:
- 3176 (1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a
- 3177 waterbody by any method and the hull of the vessel is not touching the bed or shoreline.
- 3178 (2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a
- 3179 waterbody.
- 3180 (3) "Boat livery" means a person that holds a vessel for renting or leasing.
- 3181 (4) "Carrying passengers for hire" means to transport persons on vessels or to lead
- 3182 persons on vessels for consideration.
- 3183 (5) "Commission" means the Outdoor Adventure Commission.
- 3184 (6) "Consideration" means something of value given or done in exchange for
- 3185 something given or done by another.
- 3186 (7) "Dealer" means any person who is licensed by the appropriate authority to engage
- 3187 in and who is engaged in the business of buying and selling vessels or of manufacturing them

3188 for sale.

3189 (8) "Derelict vessel":

3190 (a) means a vessel that is left, stored, or abandoned upon the waters of this state in a
3191 wrecked, junked, or substantially dismantled condition; and

3192 (b) includes:

3193 (i) a vessel left at a Utah port or marina without consent of the agency or other entity
3194 administering the port or marine area; and

3195 (ii) a vessel left docked or grounded upon a property without the property owner's
3196 consent.

3197 (9) "Division" means the Division of Outdoor Recreation.

3198 (10) "Moored" means long term, on the water vessel storage in an area designated and
3199 properly marked by the division or other applicable managing agency.

3200 (11) "Motorboat" means any vessel propelled by machinery, whether or not the
3201 machinery is the principal source of propulsion.

3202 (12) "Operate" means to navigate, control, or otherwise use a vessel.

3203 (13) "Operator" means the person who is in control of a vessel while it is in use.

3204 (14) "Outfitting company" means any person who, for consideration:

3205 (a) provides equipment to transport persons on all waters of this state; and

3206 (b) supervises a person who:

3207 (i) operates a vessel to transport passengers; or

3208 (ii) leads a person on a vessel.

3209 (15) (a) "Owner" means a person, other than a lien holder, holding a proprietary
3210 interest in or the title to a vessel.

3211 (b) "Owner" includes a person entitled to the use or possession of a vessel subject to an
3212 interest by another person, reserved or created by agreement and securing payment or
3213 performance of an obligation.

3214 (c) "Owner" does not include a lessee under a lease not intended as security.

3215 (16) "Personal watercraft" means a motorboat that is:

3216 (a) less than 16 feet in length;

3217 (b) propelled by a water jet pump; and

3218 (c) designed to be operated by a person sitting, standing, or kneeling on the vessel,

3219 rather than sitting or standing inside the vessel.

3220 (17) "Racing shell" means a long, narrow watercraft:

3221 (a) outfitted with long oars and sliding seats; and

3222 (b) specifically designed for racing or exercise.

3223 (18) "Sailboat" means any vessel having one or more sails and propelled by wind.

3224 (19) "Vessel" means every type of watercraft, other than a seaplane on the water, used
3225 or capable of being used as a means of transportation on water.

3226 (20) "Wakeless speed" means an operating speed at which the vessel does not create or
3227 make a wake or white water trailing the vessel. This speed is not in excess of five miles per
3228 hour.

3229 (21) "Waters of this state" means any waters within the territorial limits of this state.

3230 Section 59. Section **73-18-3.5** is amended to read:

3231 **73-18-3.5. Advisory council.**

3232 The division, after [~~consultation with~~] notifying the commission, may appoint an
3233 advisory council [~~representing various~~] that includes:

3234 (1) representation of boating interests [to seek]; and

3235 (2) among the advisory council's duties, making recommendations on state boating
3236 policies.

3237 Section 60. Section **73-18-4** is amended to read:

3238 **73-18-4. Division may make rules and set fees.**

3239 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3240 division, after [~~consultation with~~] notifying the commission, shall [~~promulgate~~] make rules:

3241 (a) creating a uniform waterway marking system which shall be obeyed by all vessel
3242 operators;

3243 (b) regulating the placement of waterway markers and other permanent or anchored
3244 objects on the waters of this state;

3245 (c) zoning certain waters of this state for the purpose of prohibiting the operation of
3246 vessels or motors for safety and health purposes only;

3247 (d) regulating vessel operators who carry passengers for hire, boat liveries, and
3248 outfitting companies; and

3249 (e) regulating anchored, beached, moored, or abandoned vessels to minimize health,

3250 safety, and environmental concerns.

3251 (2) (a) The division, after [~~consultation with~~] notifying the commission, may set fees in
3252 accordance with Section [63J-1-504](#) for:

3253 (i) licensing vessel operators who carry passengers for hire; and

3254 (ii) registering:

3255 (A) outfitting companies; and

3256 (B) boat liveries.

3257 (b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be
3258 deposited into the Boating Account created in Section [73-18-22](#).

3259 Section 61. Section [73-18-7](#) is amended to read:

3260 **[73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records --](#)**

3261 **[Period of registration and renewal -- Expiration -- Notice of transfer of interest or change](#)**

3262 **[of address -- Duplicate registration card -- Invalid registration -- Powers of division.](#)**

3263 (1) (a) Except as provided by Section [73-18-9](#), the owner of each motorboat and
3264 sailboat on the waters of this state shall register it with the division as provided in this chapter.

3265 (b) A person may not place, give permission for the placement of, operate, or give
3266 permission for the operation of a motorboat or sailboat on the waters of this state, unless the
3267 motorboat or sailboat is registered as provided in this chapter.

3268 (2) (a) The owner of a motorboat or sailboat required to be registered shall file an
3269 application for registration with the division on forms approved by the division.

3270 (b) The owner of the motorboat or sailboat shall sign the application and pay the fee set
3271 by the division, after [~~consultation with~~] notifying the commission, in accordance with Section
3272 [63J-1-504](#).

3273 (c) Before receiving a registration card and registration decals, the applicant shall
3274 provide the division with a certificate from the county assessor of the county in which the
3275 motorboat or sailboat has situs for taxation, stating that:

3276 (i) the property tax on the motorboat or sailboat for the current year has been paid;

3277 (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient
3278 to secure the payment of the property tax; or

3279 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the
3280 current year.

3281 (d) If the division modifies the fee under Subsection (2)(b), the modification shall take
3282 effect on the first day of the calendar quarter after 90 days from the day on which the division
3283 provides the State Tax Commission:

3284 (i) notice from the division stating that the division will modify the fee; and

3285 (ii) a copy of the fee modification.

3286 (e) (i) The division may enter into an agreement with the Motor Vehicle Division
3287 created in Section 41-1a-106 to administer the registration requirements described in this
3288 chapter.

3289 (ii) An individual may request automatic registration renewal as described in Section
3290 41-1a-216.

3291 (3) (a) Upon receipt of the application in the approved form, the division shall record
3292 the receipt and issue to the applicant registration decals and a registration card that state the
3293 number assigned to the motorboat or sailboat and the name and address of the owner.

3294 (b) The registration card shall be available for inspection on the motorboat or sailboat
3295 for which it was issued, whenever that motorboat or sailboat is in operation.

3296 (4) The assigned number shall:

3297 (a) be painted or permanently attached to each side of the forward half of the motorboat
3298 or sailboat;

3299 (b) consist of plain vertical block characters not less than three inches in height;

3300 (c) contrast with the color of the background and be distinctly visible and legible;

3301 (d) have spaces or hyphens equal to the width of a letter between the letter and numeral
3302 groupings; and

3303 (e) read from left to right.

3304 (5) A motorboat or sailboat with a valid marine document issued by the United States
3305 Coast Guard is exempt from the number display requirements of Subsection (4).

3306 (6) The nonresident owner of any motorboat or sailboat already covered by a valid
3307 number that has been assigned to it according to federal law or a federally approved numbering
3308 system of the owner's resident state is exempt from registration while operating the motorboat
3309 or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity
3310 period provided for in Subsection 73-18-9(1).

3311 (7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a

3312 new application form and fee with the division, and the division shall issue a new registration
3313 card and registration decals in the same manner as provided for in Subsections (2) and (3).

3314 (b) The division shall reassign the current number assigned to the motorboat or sailboat
3315 to the new owner to display on the motorboat or sailboat.

3316 (8) If the United States Coast Guard has in force an overall system of identification
3317 numbering for motorboats or sailboats within the United States, the numbering system
3318 employed under this chapter by the division shall conform with that system.

3319 (9) (a) The division may authorize any person to act as its agent for the registration of
3320 motorboats and sailboats.

3321 (b) A number assigned, a registration card, and registration decals issued by an agent of
3322 the division in conformity with this chapter and rules of the division are valid.

3323 (10) (a) The Motor Vehicle Division shall classify all records of the division made or
3324 kept according to this section in the same manner that motor vehicle records are classified
3325 under Section 41-1a-116.

3326 (b) Division records are available for inspection in the same manner as motor vehicle
3327 records pursuant to Section 41-1a-116.

3328 (11) (a) (i) Each registration, registration card, and decal issued under this chapter shall
3329 continue in effect for 12 months, beginning with the first day of the calendar month of
3330 registration.

3331 (ii) A registration may be renewed by the owner in the same manner provided for in the
3332 initial application.

3333 (iii) The division shall reassign the current number assigned to the motorboat or
3334 sailboat when the registration is renewed.

3335 (b) Each registration, registration card, and registration decal expires the last day of the
3336 month in the year following the calendar month of registration.

3337 (c) If the last day of the registration period falls on a day in which the appropriate state
3338 or county offices are not open for business, the registration of the motorboat or sailboat is
3339 extended to 12 midnight of the next business day.

3340 (d) The division may receive applications for registration renewal and issue new
3341 registration cards at any time before the expiration of the registration, subject to the availability
3342 of renewal materials.

3343 (e) The new registration shall retain the same expiration month as recorded on the
3344 original registration even if the registration has expired.

3345 (f) The year of registration shall be changed to reflect the renewed registration period.

3346 (g) If the registration renewal application is an application generated by the division
3347 through its automated system, the owner is not required to surrender the last registration card or
3348 duplicate.

3349 (12) (a) An owner shall notify the division of:

3350 (i) the transfer of all or any part of the owner's interest, other than creation of a security
3351 interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

3352 (ii) the destruction or abandonment of the owner's motorboat or sailboat.

3353 (b) Notification must take place within 15 days of the transfer, destruction, or
3354 abandonment.

3355 (c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates
3356 its registration.

3357 (ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not
3358 affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

3359 (13) (a) A registered owner shall notify the division within 15 days if the owner's
3360 address changes from the address appearing on the registration card and shall, as a part of this
3361 notification, furnish the division with the owner's new address.

3362 (b) The division may provide in the division's rules for:

3363 (i) the surrender of the registration card bearing the former address; and

3364 (ii) (A) the replacement of the card with a new registration card bearing the new
3365 address; or

3366 (B) the alteration of an existing registration card to show the owner's new address.

3367 (14) (a) If a registration card is lost or stolen, the division may collect a fee of \$4 for
3368 the issuance of a duplicate card.

3369 (b) If a registration decal is lost or stolen, the division may collect a fee of \$3 for the
3370 issuance of a duplicate decal.

3371 (15) A number other than the number assigned to a motorboat or sailboat or a number
3372 for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,
3373 or otherwise displayed on either side of the bow of a motorboat or sailboat.

3374 (16) A motorboat or sailboat registration and number are invalid if obtained by
3375 knowingly falsifying an application for registration.

3376 (17) The division may designate the suffix to assigned numbers, and by following the
3377 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3378 make rules for:

3379 (a) the display of registration decals;

3380 (b) the issuance and display of dealer numbers and registrations; and

3381 (c) the issuance and display of temporary registrations.

3382 (18) A violation of this section is an infraction.

3383 Section 62. Section **73-18-8** is amended to read:

3384 **73-18-8. Safety equipment required to be on board vessels -- Penalties.**

3385 (1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person
3386 on board, one wearable personal flotation device that is approved for the type of use by the
3387 commandant of the United States Coast Guard.

3388 (b) Each personal flotation device shall be:

3389 (i) in serviceable condition;

3390 (ii) legally marked with the United States Coast Guard approval number; and

3391 (iii) of an appropriate size for the person for whom it is intended.

3392 (c) (i) Sailboards and racing shells are exempt from the provisions of Subsections
3393 (1)(a) and (e).

3394 (ii) The division, after [~~consultation with~~] notifying the commission, may exempt
3395 certain types of vessels from the provisions of Subsection (1)(a) under certain conditions or
3396 upon certain waters.

3397 (d) The division may require by rule, after [~~consultation with~~] notifying the
3398 commission, for personal flotation devices to be worn:

3399 (i) while a person is on board a certain type of vessel;

3400 (ii) by a person under a certain age; or

3401 (iii) on certain waters of the state.

3402 (e) For vessels 16 feet or more in length, there shall also be on board one throwable
3403 personal flotation device which is approved for this use by the commandant of the United
3404 States Coast Guard.

3405 (2) The operator of a vessel operated between sunset and sunrise shall display lighted
3406 navigation lights approved by the division.

3407 (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in
3408 any enclosure for any purpose, the vessel shall be equipped with an efficient natural or
3409 mechanical ventilation system that is capable of removing resulting gases before and during the
3410 time the vessel is occupied by any person.

3411 (4) Each vessel shall have fire extinguishing equipment on board.

3412 (5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame
3413 control device.

3414 (6) The division may, after notifying the commission:

3415 (a) require additional safety equipment by rule [~~made in consultation with the~~
3416 ~~commission~~]; and

3417 (b) adopt rules conforming with the requirements of this section which govern
3418 specifications for and the use of safety equipment.

3419 (7) A person may not operate or give permission for the operation of a vessel that is not
3420 equipped as required by this section or rules promulgated under this section.

3421 (8) A violation of this section is an infraction.

3422 Section 63. Section **73-18-11** is amended to read:

3423 **73-18-11. Regulation of muffling devices.**

3424 The division, after [~~consultation with~~] notifying the commission, shall adopt rules for
3425 the regulating of muffling devices on all vessels.

3426 Section 64. Section **73-18-13** is amended to read:

3427 **73-18-13. Duties of operator involved in accident -- Notification and reporting**
3428 **procedures -- Use of accident reports -- Giving false information as misdemeanor.**

3429 (1) As used in this section, "agent" has the same meaning as provided in Section
3430 [41-6a-404](#).

3431 (2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator
3432 can do so without seriously endangering the operator's own vessel, crew, or passengers, to
3433 render aid to those affected by the accident as may be practicable.

3434 (b) The operator shall also give the operator's name, address, and identification of the
3435 operator's vessel in writing to:

- 3436 (i) any person injured; or
- 3437 (ii) the owner of any property damaged in the accident.
- 3438 (c) A violation of this Subsection (2) is a class B misdemeanor.
- 3439 (3) (a) The division, after [~~consultation with~~] notifying the commission, shall adopt
- 3440 rules governing the notification and reporting procedure for vessels involved in accidents.
- 3441 (b) The rules shall be consistent with federal requirements.
- 3442 (4) (a) Except as provided in Subsection (4)(b), all accident reports:
- 3443 (i) are protected and shall be for the confidential use of the division or other state,
- 3444 local, or federal agencies having use for the records for official governmental statistical,
- 3445 investigative, and accident prevention purposes; and
- 3446 (ii) may be disclosed only in a statistical form that protects the privacy of any person
- 3447 involved in the accident.
- 3448 (b) The division shall disclose a written accident report and its accompanying data to:
- 3449 (i) a person involved in the accident, excluding a witness to the accident;
- 3450 (ii) a person suffering loss or injury in the accident;
- 3451 (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)
- 3452 and (ii);
- 3453 (iv) a member of the press or broadcast news media;
- 3454 (v) a state, local, or federal agency that uses the records for official governmental,
- 3455 investigative, or accident prevention purposes;
- 3456 (vi) law enforcement personnel when acting in their official governmental capacity;
- 3457 and
- 3458 (vii) a licensed private investigator.
- 3459 (c) Information provided to a member of the press or broadcast news media under
- 3460 Subsection (4)(b)(iv) may only include:
- 3461 (i) the name, age, sex, and city of residence of each person involved in the accident;
- 3462 (ii) the make and model year of each vehicle involved in the accident;
- 3463 (iii) whether or not each person involved in the accident was covered by a vehicle
- 3464 insurance policy;
- 3465 (iv) the location of the accident; and
- 3466 (v) a description of the accident that excludes personal identifying information not

3467 listed in Subsection (4)(c)(i).

3468 (5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as
3469 evidence in any civil or criminal trial, arising out of an accident.

3470 (b) Upon demand of any person who has, or claims to have, made the report, or upon
3471 demand of any court, the division shall furnish a certificate showing that a specified accident
3472 report has or has not been made to the division solely to prove a compliance or a failure to
3473 comply with the requirement that a report be made to the division.

3474 (c) Accident reports may be used as evidence when necessary to prosecute charges
3475 filed in connection with a violation of Subsection (6).

3476 (6) Any person who gives false information, knowingly or having reason to believe it is
3477 false, in an oral or written report as required in this chapter, is guilty of a class B misdemeanor.

3478 Section 65. Section **73-18-13.5** is amended to read:

3479 **73-18-13.5. Motorboat accidents -- Investigation and report of operator security**
3480 **-- Agency action if no security -- Surrender of registration materials.**

3481 (1) Upon request of a peace officer investigating an accident involving a motorboat as
3482 defined in Section **73-18c-102**, the operator of the motorboat shall provide evidence of the
3483 owner's or operator's security required under Section **73-18c-301**.

3484 (2) The peace officer shall record on a form approved by the division:

3485 (a) the information provided by the operator;

3486 (b) whether the operator provided insufficient or no information; and

3487 (c) whether the peace officer finds reasonable cause to believe that any information
3488 given is not correct.

3489 (3) The peace officer shall deposit all completed forms with the peace officer's agency,
3490 which shall forward the forms to the division no later than 10 days after receipt.

3491 (4) (a) The division shall revoke the registration of a motorboat as defined in Section
3492 **73-18c-102** involved in an accident unless the owner or operator can demonstrate to the
3493 division compliance with the owner's or operator's security requirement of Section **73-18c-301**
3494 at the time of the accident.

3495 (b) Any registration revoked shall be renewed in accordance with Section **73-18-7**.

3496 (5) A person may appeal a revocation issued under Subsection (4) in accordance with
3497 procedures established by the division, after [~~consultation with~~] notifying the commission, by

3498 rule that are consistent with Title 63G, Chapter 4, Administrative Procedures Act.

3499 (6) (a) Any person whose registration is revoked under Subsection (4) shall return the
3500 registration card and decals for the motorboat to the division.

3501 (b) If the person fails to return the registration materials as required, they shall be
3502 confiscated under Section [73-18-13.6](#).

3503 (7) The division may, after [~~consultation with~~] notifying the commission, make rules
3504 for the enforcement of this section.

3505 (8) In this section, "evidence of owner's or operator's security" includes any one of the
3506 following:

3507 (a) the operator's:

3508 (i) insurance policy;

3509 (ii) binder notice;

3510 (iii) renewal notice; or

3511 (iv) card issued by an insurance company as evidence of insurance;

3512 (b) a copy of a surety bond, certified by the surety, which conforms to Section
3513 [73-18c-102](#);

3514 (c) a certificate of the state treasurer issued under Section [73-18c-305](#); or

3515 (d) a certificate of self-funded coverage issued under Section [73-18c-306](#).

3516 Section 66. Section **73-18-15** is amended to read:

3517 **73-18-15. Division to adopt rules concerning water skiing and aquaplane riding**
3518 **and use of other devices towed behind a vessel.**

3519 The division, after [~~consultation with~~] notifying the commission, shall adopt rules for
3520 the regulation and safety of water skiing and aquaplane riding, and the use of other devices that
3521 are towed behind a vessel pursuant to this section and in accordance with Section [73-18-16](#).

3522 Section 67. Section **73-18-16** is amended to read:

3523 **73-18-16. Regattas, races, exhibitions -- Rules.**

3524 (1) The division may authorize the holding of regattas, motorboat or other boat races,
3525 marine parades, tournaments, or exhibitions on any waters of this state.

3526 (2) The division, after [~~consultation with~~] notifying the commission, may adopt rules
3527 concerning the safety of vessels and persons, either as observers or participants, that do not
3528 conflict with the provisions of Subsections (3) and (4).

3529 (3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved
3530 personal floatation device if the person is on an American Water Ski Association regulation
3531 tournament slalom course and is:

- 3532 (a) engaged in barefoot water skiing;
- 3533 (b) water skiing in an American Water Ski Association regulation competition;
- 3534 (c) a performer participating in a professional exhibition or other tournament; or
- 3535 (d) practicing for an event described in Subsection (3)(b) or (c).

3536 (4) If a person is water skiing in an American Water Ski Association regulation
3537 tournament slalom course, an observer and flag are not required if the vessel is:

- 3538 (a) equipped with a wide angle mirror with a viewing surface of at least 48 square
3539 inches; and
- 3540 (b) operated by a person who is at least 18 years of age.

3541 (5) A violation of this section is an infraction.

3542 Section 68. Section **73-18a-1** is amended to read:

3543 **73-18a-1. Definitions.**

3544 As used in this chapter:

3545 (1) "Commission" means the Outdoor Adventure Commission.

3546 (2) "Division" means the Division of Outdoor Recreation.

3547 (3) "Human body waste" means excrement, feces, or other waste material discharged
3548 from the human body.

3549 (4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage,
3550 rubbish, or similar refuse discarded as no longer useful.

3551 (5) "Marine toilet" means any toilet or other receptacle permanently installed on or
3552 within any vessel for the purpose of receiving human body waste. This term does not include
3553 portable toilets which may be removed from a vessel in order to empty its contents.

3554 (6) "Operate" means to navigate, control, or otherwise use a vessel.

3555 (7) "Operator" means the person who is in control of a vessel while it is in use.

3556 (8) "Owner" means a person, other than a lien holder, holding a proprietary interest in
3557 or the title to a vessel. The term does not include a lessee under a lease not intended as
3558 security.

3559 (9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or

3560 capable of being used as a means of transportation on water.

3561 (10) "Waters of this state" means all waters within the territorial limits of this state
3562 except those used exclusively for private purposes.

3563 Section 69. Section **73-18a-4** is amended to read:

3564 **73-18a-4. Marine toilets -- Pollution control devices required -- Rules established**
3565 **by division.**

3566 (1) Every marine toilet on a vessel used or operated upon the waters of this state shall
3567 be equipped with an approved pollution control device in operative condition.

3568 (2) The division, after [~~consultation with~~] notifying the commission, shall make rules
3569 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as provided in
3570 this chapter, establishing criteria or standards for definition and approval of acceptable
3571 pollution control devices for vessels.

3572 Section 70. Section **73-18a-5** is amended to read:

3573 **73-18a-5. Chemical treatment of marine toilet contents -- Rules established by**
3574 **division and Department of Environmental Quality.**

3575 The division, after [~~consultation with~~] notifying the commission, shall establish by rule,
3576 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with approval
3577 by the Department of Environmental Quality, as provided in this chapter, standards relating to
3578 chemical treatment of marine toilet contents.

3579 Section 71. Section **73-18a-12** is amended to read:

3580 **73-18a-12. Rules made -- Subject to approval by Department of Environmental**
3581 **Quality.**

3582 The division, after [~~consultation with~~] notifying the commission, may [~~promulgate~~]
3583 make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which are
3584 necessary for the carrying out of duties, obligations, and powers conferred on the division by
3585 this chapter. These rules shall be subject to review and approval by the Department of
3586 Environmental Quality. This approval shall be recorded as part of the rules.

3587 Section 72. Section **73-18b-1** is amended to read:

3588 **73-18b-1. Water safety rules and regulations -- Adoption.**

3589 (1) The Division of Outdoor Recreation, after [~~consulting with~~] notifying the Outdoor
3590 Adventure Commission, may make rules necessary to promote safety in swimming, scuba

3591 diving, and related activities on any waters where public boating is permitted.

3592 (2) The Division of Outdoor Recreation may consider recommendations of and
3593 cooperate with other state agencies and the owners or operators of those waters.

3594 Section 73. Section **73-18c-102** is amended to read:

3595 **73-18c-102. Definitions.**

3596 As used in this chapter:

3597 (1) "Airboat" means a vessel propelled by air pressure caused by an airplane type
3598 propeller mounted above the stern and driven by an internal combustion engine.

3599 (2) "Commission" means the Outdoor Adventure Commission.

3600 (3) "Division" means the Division of Outdoor Recreation.

3601 (4) "Judgment" means any judgment that is final by:

3602 (a) expiration without appeal of the time within which an appeal might have been
3603 perfected; or

3604 (b) final affirmation on appeal, rendered by a court of competent jurisdiction of any
3605 state or of the United States, upon a cause of action for damages:

3606 (i) arising out of the ownership, maintenance, or use of any personal watercraft,
3607 including damages for care and loss of services because of bodily injury to or death of any
3608 person, or because of injury to or destruction of property including the loss of use of the
3609 property; or

3610 (ii) on a settlement agreement.

3611 (5) (a) "Motorboat" has the same meaning as defined in Section [73-18-2](#).

3612 (b) "Motorboat" includes personal watercraft regardless of the manufacturer listed
3613 horsepower.

3614 (c) "Motorboat" does not include:

3615 (i) a boat with a manufacturer listed horsepower of 50 horsepower or less; or

3616 (ii) an airboat.

3617 (6) "Nonresident" means any person who is not a resident of Utah.

3618 (7) "Operator" means the person who is in control of a motorboat while it is in use.

3619 (8) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest
3620 in or the title to a motorboat.

3621 (b) "Owner" includes a person entitled to the use or possession of a motorboat subject

3622 to an interest by another person, reserved or created by agreement and securing payment or
3623 performance of an obligation.

3624 (c) "Owner" does not include a lessee under a lease not intended as security.

3625 (9) "Owner's or operator's security," "owner's security," or "operator's security" means
3626 any of the following:

3627 (a) an insurance policy or combination of policies conforming to Sections
3628 31A-22-1502 and 31A-22-1503, which is issued by an insurer authorized to do business in
3629 Utah;

3630 (b) a surety bond issued by an insurer authorized to do a surety business in Utah in
3631 which the surety is subject to the minimum coverage limits and other requirements of policies
3632 conforming to Sections 31A-22-1502 and 31A-22-1503, which names the division as a creditor
3633 under the bond for the use of persons entitled to the proceeds of the bond;

3634 (c) a deposit with the state treasurer of cash or securities complying with Section
3635 73-18c-305;

3636 (d) a certificate of self-funded coverage issued under Section 73-18c-306; or

3637 (e) a policy conforming to Sections 31A-22-1502 and 31A-22-1503 issued by the Risk
3638 Management Fund created in Section 63A-4-201.

3639 (10) "Personal watercraft" has the same meaning as provided in Section 73-18-2.

3640 (11) "Registration" means the issuance of the registration cards and decals issued under
3641 the laws of Utah pertaining to the registration of motorboats.

3642 (12) "Registration materials" means the evidences of motorboat registration, including
3643 all registration cards and decals.

3644 (13) "Self-insurance" has the same meaning as provided in Section 31A-1-301.

3645 (14) "Waters of the state" means any waters within the territorial limits of this state.
3646 Section 74. Section 73-18c-201 is amended to read:

3647 **73-18c-201. Division to administer and enforce chapter -- Division may adopt**
3648 **rules.**

3649 (1) (a) The division shall administer this chapter.

3650 (b) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
3651 Classifications, may enforce this chapter in the rules made under this chapter.

3652 (2) The division, after [~~consultation with~~] notifying the commission, may adopt rules

3653 as necessary for the administration of this chapter in accordance with Title 63G, Chapter 3,
3654 Utah Administrative Rulemaking Act.

3655 Section 75. Section 77-2-4.3 is amended to read:

3656 **77-2-4.3. Compromise of boating violations -- Limitations.**

3657 (1) As used in this section:

3658 (a) "Compromise" means referral of a person charged with a boating violation to a
3659 boating safety course approved by the Division of Outdoor Recreation.

3660 (b) "Boating violation" means any charge for which bail may be forfeited in lieu of
3661 appearance, by citation or information, of a violation of Title 73, Chapter 18, State Boating
3662 Act, amounting to:

3663 (i) a class B misdemeanor;

3664 (ii) a class C misdemeanor; or

3665 (iii) an infraction.

3666 (2) Any compromise of a boating violation shall be done pursuant to a plea in abeyance
3667 agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

3668 (a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or

3669 (b) when there is a plea by the defendant to and entry of a judgment by a court for the
3670 offense originally charged or for an amended charge.

3671 (3) In ~~[all cases which are]~~ a case that is compromised pursuant to ~~[the provisions of]~~
3672 Subsection (2):

3673 (a) the court, taking into consideration the offense charged, shall collect a plea in
3674 abeyance fee which shall:

3675 (i) be subject to the same surcharge as if imposed on a criminal fine;

3676 (ii) be allocated subject to the surcharge as if paid as a criminal fine under Section
3677 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge
3678 Allocation; and

3679 (iii) be not more than \$25 greater than the bail designated in the Uniform Bail
3680 Schedule; or

3681 (b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the
3682 boating safety course shall be collected, which surcharge shall:

3683 (i) be computed, assessed, collected, and remitted in the same manner as if the boating

3684 safety course fee and surcharge had been imposed as a criminal fine and surcharge; and

3685 (ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4,
3686 Criminal Conviction Surcharge Allocation.

3687 (4) If a written plea in abeyance agreement is provided, or the defendant requests a
3688 written accounting, an itemized statement of all amounts assessed by the court shall be
3689 provided, including:

3690 (a) the Uniform Bail Schedule amount;

3691 (b) the amount of any surcharges being assessed; and

3692 (c) the amount of the plea in abeyance fee.

3693 Section 76. Section **78A-5-110** is amended to read:

3694 **78A-5-110. Allocation of district court fees and forfeitures.**

3695 (1) Except as provided in this section, district court fines and forfeitures collected for
3696 violation of state statutes shall be paid to the state treasurer.

3697 (2) Fines and forfeitures collected by the court for violation of a state statute or county
3698 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
3699 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
3700 prosecutes or which would prosecute the violation.

3701 (3) (a) Fines and forfeitures collected for violations of Title 23, Wildlife Resources
3702 Code of Utah, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State
3703 Boating Act, shall be paid to the state treasurer.

3704 (b) For violations of Title 23, Wildlife Resources Code of Utah, the state treasurer shall
3705 allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

3706 (c) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
3707 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Outdoor
3708 Recreation and 15% to the General Fund.

3709 (4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of
3710 Section [72-7-404](#) or [72-7-406](#), less fees established by the Judicial Council, to the Department
3711 of Transportation for use on class B and class C roads.

3712 (b) Fees established by the Judicial Council shall be deposited in the state General
3713 Fund.

3714 (c) Money allocated for class B and class C roads is supplemental to the money

3715 appropriated under Section 72-2-107 but shall be expended in the same manner as other class B
3716 and class C road funds.

3717 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
3718 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

3719 (i) 60% to the state treasurer to be deposited [in] into the Transportation Fund; and

3720 (ii) 40% in accordance with Subsection (2).

3721 (b) Fines and forfeitures collected by the court for a second or subsequent violation
3722 under Subsection 72-7-409(6)(d) shall be remitted:

3723 (i) 50% to the state treasurer to be deposited [in] into the Transportation Fund; and

3724 (ii) 50% in accordance with Subsection (2).

3725 (6) For fines and forfeitures collected by the court for a violation of Section
3726 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic
3727 enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to
3728 the school district or private school that owns or contracts for the use of the bus, and the state
3729 treasurer shall allocate 40% to the treasurer of the state or local governmental entity that
3730 prosecutes or that would prosecute the violation, and 40% to the General Fund.

3731 (7) Fines and forfeitures collected for any violations not specified in this chapter or
3732 otherwise provided for by law shall be paid to the state treasurer.

3733 (8) Fees collected in connection with civil actions filed in the district court shall be
3734 paid to the state treasurer.

3735 (9) The court shall remit money collected in accordance with Title 51, Chapter 7, State
3736 Money Management Act.

3737 Section 77. Section 78A-7-120 is amended to read:

3738 **78A-7-120. Disposition of fines.**

3739 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
3740 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the
3741 court and 1/2 to the treasurer of the local government which prosecutes or which would
3742 prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13,
3743 Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section
3744 if the parties agree.

3745 (2) (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall

3746 allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or
3747 county government responsible for the justice court.

3748 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
3749 18, State Boating Act, the court shall allocate 85% to the Division of Outdoor Recreation and
3750 15% to the general fund of the city or county government responsible for the justice court.

3751 (c) Fines and forfeitures collected by the court for a violation of Section 41-6a-1302 in
3752 instances where evidence of the violation was obtained by an automated traffic enforcement
3753 safety device as described in Section 41-6a-1310 shall be remitted:

3754 (i) 20% to the school district or private school that owns or contracts for the use of the
3755 school bus; and

3756 (ii) 80% in accordance with Subsection (1).

3757 (3) The surcharge established by Section 51-9-401 shall be paid to the state treasurer
3758 and deposited into the General Fund.

3759 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
3760 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations
3761 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
3762 Council, shall be paid to the state treasurer and allocated to the Department of Transportation
3763 for class B and class C roads.

3764 (5) Revenue allocated for class B and class C roads pursuant to Subsection (4) is
3765 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the
3766 same manner as other class B and class C road funds.

3767 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation
3768 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

3769 (i) 60% to the state treasurer to be deposited ~~in~~ into the Transportation Fund; and

3770 (ii) 40% in accordance with Subsection (1).

3771 (b) Fines and forfeitures collected by the court for a second or subsequent violation
3772 under Subsection 72-7-409(6)(d) shall be remitted:

3773 (i) 50% to the state treasurer to be deposited ~~in~~ into the Transportation Fund; and

3774 (ii) 50% in accordance with Subsection (1).

3775 Section 78. Section 79-1-104 is enacted to read:

3776 **79-1-104. Application of title to wildlife issues.**

3777 (1) The following may not be construed or applied to supersede or interfere with the
 3778 powers and duties of the Division of Wildlife Resources or the Wildlife Board under Title 23,
 3779 Wildlife Resources Code of Utah, over the activities described in Subsection (2):

- 3780 (a) Chapter 4, State Parks;
 3781 (b) Chapter 5, Recreational Trails;
 3782 (c) Chapter 7, Outdoor Recreation Act; and
 3783 (d) Chapter 8, Outdoor Recreation Grants.

3784 (2) Subsection (1) applies to the powers and duties of the Division of Wildlife
 3785 Resources or the Wildlife Board over:

- 3786 (a) conservation and management of protected wildlife within the state;
 3787 (b) a program or initiative to restore and conserve habitat for fish and wildlife; or
 3788 (c) acquisition, ownership, management, and control of real property or a real property
 3789 interest, including a leasehold estate, an easement, a right-of-way, or a conservation easement.

3790 Section 79. Section **79-2-201** is amended to read:

3791 **79-2-201. Department of Natural Resources created.**

- 3792 (1) There is created the Department of Natural Resources.
 3793 (2) The department comprises the following:
 3794 (a) Board of Water Resources, created in Section 73-10-1.5;
 3795 (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;
 3796 (c) Board of State Parks, created in Section 79-4-301;
 3797 (d) Office of Energy Development, created in Section 79-6-401[:];
 3798 (e) Wildlife Board, created in Section 23-14-2;
 3799 (f) Board of the Utah Geological Survey, created in Section 79-3-301;
 3800 (g) Water Development Coordinating Council, created in Section 73-10c-3;
 3801 [~~h) Utah Outdoor Recreation Grant Advisory Committee, created in Section~~
 3802 ~~79-8-105;~~]
 3803 [~~i) Home Energy Information Advisory Committee, created in Section 79-6-805;~~]
 3804 [(j) (h) Division of Water Rights, created in Section 73-2-1.1;
 3805 [(k) (i) Division of Water Resources, created in Section 73-10-18;
 3806 [(t) (j) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;
 3807 [(m) (k) Division of Oil, Gas, and Mining, created in Section 40-6-15;

- 3808 ~~[(n)]~~ (l) Division of State Parks, created in Section [79-4-201](#);
- 3809 ~~[(o)]~~ (m) Division of Outdoor Recreation, created in Section [79-7-201](#);
- 3810 ~~[(p)]~~ (n) Division of Wildlife Resources, created in Section [23-14-1](#);
- 3811 ~~[(q)]~~ (o) Utah Geological Survey, created in Section [79-3-201](#);
- 3812 ~~[(r)]~~ (p) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);
- 3813 ~~[(s)]~~ ~~Recreational Trails Advisory Council, authorized by Section [79-5-201](#);~~
- 3814 (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section
- 3815 [79-7-206](#);
- 3816 ~~[(t)]~~ (r) (i) ~~[Boating Advisory Council]~~ an advisory council that includes in the
- 3817 advisory council's duties advising on state boating policy, authorized by Section [73-18-3.5](#); or
- 3818 (ii) an advisory council that includes in the advisory council's duties advising on
- 3819 off-highway vehicle use, authorized by Section [41-22-10](#);
- 3820 ~~[(u)]~~ (s) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#);
- 3821 ~~[(v)]~~ (t) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#);
- 3822 ~~[(w)]~~ (u) Utah Watersheds Council, created in Section [73-10g-304](#);
- 3823 ~~[(x)]~~ (v) Utah Natural Resources Legacy Fund Board, created in Section [23-31-202](#);
- 3824 and
- 3825 ~~[(y)]~~ (w) Public Lands Policy Coordinating Office created in Section [63L-11-201](#).
- 3826 Section 80. Section **79-2-202** is amended to read:
- 3827 **79-2-202. Executive director -- Appointment -- Removal -- Compensation --**
- 3828 **Responsibilities.**
- 3829 (1) (a) The chief administrative officer of the department is an executive director
- 3830 appointed by the governor with the advice and consent of the Senate.
- 3831 (b) The executive director may be removed at the will of the governor.
- 3832 (c) The executive director shall receive a salary established by the governor within the
- 3833 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- 3834 (2) The executive director shall:
- 3835 (a) administer and supervise the department and provide for coordination and
- 3836 cooperation among the boards, divisions, councils, and committees of the department;
- 3837 (b) approve the budget of each board and division;
- 3838 (c) participate in regulatory proceedings as appropriate for the functions and duties of

3839 the department;

3840 (d) report at the end of each fiscal year to the governor on department, board, and
3841 division activities;

3842 (e) ensure that any training or certification required of a public official or public
3843 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
3844 22, State Training and Certification Requirements, if the training or certification is required:

3845 (i) under this title;

3846 (ii) by the department; or

3847 (iii) by an agency or division within the department; and

3848 (f) perform other duties as provided by statute.

3849 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal
3850 Funds Procedures Act, the executive director, may accept an executive or legislative provision
3851 that is enacted by the federal government, whereby the state may participate in the distribution,
3852 disbursement, or administration of a fund or service from the federal government for purposes
3853 consistent with the powers and duties of the department.

3854 (4) (a) The executive director, in cooperation with the governmental entities having
3855 policymaking authority regarding natural resources, may engage in studies and comprehensive
3856 planning for the development and conservation of the state's natural resources.

3857 (b) The executive director shall submit any plan to the governor for review and
3858 approval.

3859 (5) The executive director may coordinate and enter agreements with other state
3860 agencies regarding state conservation efforts as defined in Section [4-46-102](#).

3861 Section 81. Section **79-2-206** is amended to read:

3862 **79-2-206. Transition.**

3863 (1) In accordance with Laws of Utah 2021 Chapter 280, the Department of Natural
3864 Resources assumes the policymaking functions, regulatory, and enforcement powers, rights,
3865 and duties of the Office of Energy Development existing on June 30, 2021.

3866 (2) (a) Rules issued by the Office of Energy Development that are in effect on June 30,
3867 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified
3868 by the Department of Natural Resources, except that the agency administering the rule shall be
3869 transferred to the Department of Natural Resources in the same manner as the statutory

3870 responsibility is transferred under Laws of Utah 2021 Chapter 280.

3871 (b) Rules issued by the Board of Parks and Recreation that are in effect on June 30,
3872 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified
3873 by the appropriate entity within the Department of Natural Resources, except that the agency
3874 administrating the rule shall be transferred to the appropriate entity within the Department of
3875 Natural Resources in the same manner as the statutory responsibility is transferred under Laws
3876 of Utah 2021 Chapter 280.

3877 (c) Rules issued by the Office of Outdoor Recreation that are in effect on June 30,
3878 2022, are not modified by this bill, and remain in effect until modified by the Department of
3879 Natural Resources, except that the agency administrating the rule shall be transferred to the
3880 Department of Natural Resources in the same manner as the statutory responsibility is
3881 transferred under this bill.

3882 (3) A grant, contract, or agreement in effect on June 30, 2021, that is entered into by or
3883 issued by the Office of Energy Development remains in effect, except that:

3884 (a) the agency administrating the grant, contract, or agreement shall be transferred to
3885 the Department of Natural Resources in the same manner as the statutory responsibility is
3886 transferred under Laws of Utah 2021 Chapter 280; and

3887 (b) the grant, contract, or agreement is subject to its terms and may be terminated under
3888 the terms of the grant, contract, or agreement.

3889 (4) (a) A grant that is entered into or issued by the Utah Office of Outdoor Recreation
3890 remains in effect, except that:

3891 ~~[(a)]~~ (i) ~~[except for an outdoor recreational infrastructure grant,]~~ the agency
3892 administrating the grant shall be transferred to the Division of Outdoor Recreation in the same
3893 manner as the statutory responsibility is transferred under Laws of Utah 2021 Chapter 280 and
3894 this bill; and

3895 ~~[(b)]~~ (ii) the grant is subject to the terms of the grant and may be terminated under the
3896 terms of the grant.

3897 (b) In accordance with this bill, the Department of Natural Resources assumes the
3898 policymaking functions, regulatory, and enforcement powers, rights, and duties of the Office of
3899 Outdoor Recreation existing on June 30, 2022.

3900 ~~[(5) (a) The Governor's Office of Planning and Budget shall submit recommendations~~

3901 to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the
3902 November 2021 interim meeting of the committee regarding possible restructuring to improve
3903 coordination between the Department of Natural Resources and the following:]

3904 [~~(i) the Department of Environmental Quality;~~]

3905 [~~(ii) the Division of Public Utilities;~~]

3906 [~~(iii) the Office of Consumer Services; and~~]

3907 [~~(iv) the Office of Rural Development.~~]

3908 [~~(b) In conducting the study under this Subsection (5), the Governor's Office of~~
3909 Planning and Budget shall incorporate public feedback into forming the recommendations;
3910 including:]

3911 [~~(i) holding at least two public meetings and listening sessions; and~~]

3912 [~~(ii) publishing draft recommendations a minimum of 30 days before the November~~
3913 2021 interim meeting to provide a comment period on the draft recommendations with
3914 adequate time for considering feedback and revisions to the recommendations:]

3915 Section 82. Section ~~79-4-203~~ is amended to read:

3916 **79-4-203. Powers and duties of division.**

3917 (1) As used in this section, "real property" includes land under water, upland, and all
3918 other property commonly or legally defined as real property.

3919 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
3920 conferred upon the Division of Wildlife Resources by law within state parks and on property
3921 controlled by the Division of State Parks with reference to fish and game.

3922 (3) The division shall permit multiple use of state parks and property controlled by the
3923 division for purposes such as grazing, fishing, hunting, camping, mining, and the development
3924 and utilization of water and other natural resources.

3925 (4) (a) The division may acquire real and personal property in the name of the state by
3926 all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange,
3927 or otherwise, subject to the approval of the executive director and the governor.

3928 (b) In acquiring any real or personal property, the credit of the state may not be pledged
3929 without the consent of the Legislature.

3930 (5) (a) Before acquiring any real property, the division shall notify the county
3931 legislative body of the county where the property is situated of ~~[its]~~ the division's intention to

3932 acquire the property.

3933 (b) If the county legislative body requests a hearing within 10 days of receipt of the
3934 notice, the division shall hold a public hearing in the county concerning the matter.

3935 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
3936 division, subject to the approval of the executive director and the governor.

3937 (7) The division shall acquire property by eminent domain in the manner authorized by
3938 Title 78B, Chapter 6, Part 5, Eminent Domain.

3939 (8) (a) The division may make charges for special services and use of facilities, the
3940 income from which is available for park purposes.

3941 (b) The division may conduct and operate those services necessary for the comfort and
3942 convenience of the public.

3943 (9) (a) The division may lease or rent concessions of all lawful kinds and nature in state
3944 parks and property to persons, partnerships, and corporations for a valuable consideration upon
3945 the recommendation of the board.

3946 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
3947 selecting concessionaires.

3948 (10) The division shall proceed without delay to negotiate with the federal government
3949 concerning the Weber Basin and other recreation and reclamation projects.

3950 ~~[(11) The division shall receive and distribute voluntary contributions collected under~~
3951 ~~Section 41-1a-422 in accordance with Section 79-4-404.]~~

3952 Section 83. Section **79-4-1103** is amended to read:

3953 **79-4-1103. Governor's duties -- Priority of federal property.**

3954 (1) During a fiscal emergency, the governor shall:

3955 (a) if financially practicable, work with the federal government to open and maintain
3956 the operation of one or more national parks, national monuments, national forests, and national
3957 recreation areas in the state, in the order established under this section; and

3958 (b) report to the speaker of the House and the president of the Senate on the need, if
3959 any, for additional appropriations to assist the division in opening and operating one or more
3960 national parks, national monuments, national forests, and national recreation areas in the state.

3961 (2) The director of the ~~[Outdoor Recreation Office, created in Section 63N-9-104,]~~
3962 Division of Outdoor Recreation, in consultation with the executive director of the Governor's

3963 Office of Economic Opportunity, shall determine, by rule, the priority of national parks,
3964 national monuments, national forests, and national recreation areas in the state.

3965 (3) In determining the priority described in Subsection (2), the director of the [~~Outdoor~~
3966 ~~Recreation Office~~] Division of Outdoor Recreation shall consider the:

3967 (a) economic impact of the national park, national monument, national forest, or
3968 national recreation area in the state; and

3969 (b) recreational value offered by the national park, national monument, national forest,
3970 or national recreation area.

3971 (4) The director of the [~~Outdoor Recreation Office shall (a) report the priority~~
3972 ~~determined under Subsection (2) to the Natural Resources, Agriculture, and Environment~~
3973 ~~Interim Committee by November 30, 2014; and (b)] Division of Outdoor Recreation shall
3974 annually review the priority set under Subsection (2) to determine whether the priority list
3975 should be amended.~~

3976 Section 84. Section **79-5-102** is amended to read:

3977 **79-5-102. Definitions.**

3978 As used in this chapter:

3979 [~~(1) "Commission" means the Outdoor Adventure Commission.~~]

3980 [~~(2) "Council" means the Recreational Trails Advisory Council.~~]

3981 (1) "Committee" means the Utah Outdoor Recreation Infrastructure Advisory
3982 Committee created in Section [79-7-206](#).

3983 [~~(3)] (2) "Division" means the Division of Outdoor Recreation.~~

3984 [~~(4)] (3) "Recreational trail" or "trail" means a multi-use path used for:~~

3985 (a) muscle-powered activities, including:

3986 (i) bicycling;

3987 (ii) cross-country skiing;

3988 (iii) walking;

3989 (iv) jogging; and

3990 (v) horseback riding; and

3991 (b) uses compatible with the uses described in Subsection [~~(4)] (3)(a), including the use
3992 of an electric assisted bicycle or motor assisted scooter, as defined in Section [41-6a-102](#).~~

3993 Section 85. Section **79-5-501** is amended to read:

3994 **79-5-501. Grants -- Matching funds requirements -- Rules.**

3995 (1) (a) The division, after consultation with the [~~commission~~] committee, may give
3996 grants to federal government agencies, state agencies, or local governments for the planning,
3997 acquisition, and development of trails within the state's recreational trail system with funds
3998 appropriated by the Legislature for that purpose.

3999 (b) (i) Each grant recipient must provide matching funds [~~having a value that is equal~~
4000 ~~to or greater than the grant funds received~~] as established by the division by rule.

4001 (ii) The division may allow a grant recipient to provide property, material, or labor in
4002 lieu of money, provided the grant recipient's contribution has a value that is equal to or greater
4003 than the grant funds received.

4004 (2) The division, after consultation with the [~~commission~~] committee, shall:

4005 (a) make rules setting forth procedures and criteria for the awarding of grants for
4006 recreational trails; and

4007 (b) determine to whom grant funds shall be awarded after considering the
4008 recommendations of and after consulting with the [~~council~~] committee and the division.

4009 (3) Rules for the awarding of grants for recreational trails shall provide that:

4010 (a) each grant applicant must solicit public comment on the proposed recreational trail
4011 and submit a summary of that comment to the division;

4012 (b) each trail project for which grant funds are awarded must conform to the criteria
4013 and guidelines specified in Sections [79-5-103](#), [79-5-301](#), and [79-5-302](#); and

4014 (c) trail proposals that include a plan to provide employment opportunities for youth,
4015 including at-risk youth, in the development of the trail is encouraged.

4016 (4) As used in this section, "at-risk youth" means youth who:

4017 (a) are subject to environmental forces, such as poverty or family dysfunction, that may
4018 make them vulnerable to family, school, or community problems;

4019 (b) perform poorly in school or have failed to complete high school;

4020 (c) exhibit behaviors that have the potential to harm themselves or others in the
4021 community, such as truancy, use of alcohol or drugs, and associating with delinquent peers; or

4022 (d) have already engaged in behaviors harmful to themselves or others in the
4023 community.

4024 Section 86. Section **79-5-503** is amended to read:

4025 **79-5-503. Bonneville Shoreline Trail Program.**4026 (1) There is created within the division the Bonneville Shoreline Trail Program.

4027 (2) The program shall be funded from the following sources:

4028 (a) appropriations made to the program by the Legislature; and

4029 (b) contributions from other public and private sources.

4030 (3) [~~All money~~] Money appropriated to the Bonneville Shoreline Trail Program is
4031 nonlapsing.

4032 (4) The Bonneville Shoreline Trail is intended to:

4033 (a) follow on or near the old Lake Bonneville shoreline terrace near the foot of the
4034 Wasatch Mountains from Juab County through Cache County; and

4035 (b) provide continuous and safe trails.

4036 (5) (a) The program money shall be used to provide grants to local governments for the
4037 planning, development, [~~and~~] construction, and the acquisition of key parcels of land of the
4038 Bonneville Shoreline Trail.4039 (b) Grant recipients shall provide matching funds in accordance with Section [79-5-501](#).4040 Section 87. Section **79-6-302** is amended to read:4041 **79-6-302. Legislative committee review.**4042 [~~The Natural Resources, Agriculture, and Environment Interim Committee and the~~] The
4043 Public Utilities, Energy, and Technology Interim Committee shall review the state energy
4044 policy annually and propose any changes to the Legislature.4045 Section 88. Section **79-6-505** is amended to read:4046 **79-6-505. Report to the Legislature.**4047 The office shall annually provide an electronic report to the Public Utilities, Energy,
4048 and Technology Interim Committee[~~, the Natural Resources, Agriculture, and Environment~~
4049 ~~Interim Committee, and the Revenue and Taxation Interim Committee]~~ describing:4050 (1) [~~its~~] the office's success in attracting alternative energy projects to the state and the
4051 resulting increase in new state revenues under this part;4052 (2) the amount of tax credits the office has granted or will grant and the time period
4053 during which the tax credits have been or will be granted; and4054 (3) the economic impact on the state by comparing new state revenues to tax credits
4055 that have been or will be granted under this part.

4056 Section 89. Section ~~79-6-605~~ is amended to read:

4057 **79-6-605. Report to the Legislature.**

4058 The office shall report annually to the Public Utilities, Energy, and Technology Interim
4059 Committee[, the Natural Resources, Agriculture, and Environment Interim Committee, and the
4060 Revenue and Taxation Interim Committee] describing:

4061 (1) the office's success in attracting high cost infrastructure projects to the state and the
4062 resulting increase in infrastructure-related revenue under this part;

4063 (2) the amount of tax credits the office has granted or will grant and the time period
4064 during which the tax credits have been or will be granted; and

4065 (3) the economic impact on the state by comparing infrastructure-related revenue to tax
4066 credits that have been or will be granted under this part.

4067 Section 90. Section ~~79-7-102~~ is amended to read:

4068 **CHAPTER 7. OUTDOOR RECREATION ACT**

4069 **Part 1. General Provisions**

4070 **79-7-102. Definitions.**

4071 As used in this chapter:

4072 (1) "Commission" means the Outdoor Adventure Commission created in Section
4073 ~~63C-21-201~~.

4074 (2) "Division" means the Division of Outdoor Recreation.

4075 Section 91. Section ~~79-7-103~~, which is renumbered from Section 63N-9-103 is
4076 renumbered and amended to read:

4077 ~~[63N-9-103]~~. **79-7-103. Policy.**

4078 It is the declared policy of the state that outdoor recreation is vital to a diverse economy
4079 and a healthy community.

4080 Section 92. Section ~~79-7-201~~ is amended to read:

4081 **79-7-201. Division of Outdoor Recreation -- Creation -- Purposes -- Rulemaking**
4082 **authority.**

4083 (1) (a) There is created within the department the Division of Outdoor Recreation.

4084 (b) The division has the purpose of providing, maintaining, and coordinating motorized
4085 and nonmotorized recreation within the state as the recreation authority of the state.

4086 (2) (a) The division is under the administration and general supervision of the

4087 executive director.

4088 (b) The division shall ~~[consult with]~~ notify the commission as provided in statute on
4089 issues related to outdoor recreation.

4090 ~~[(3) The division is the recreation authority for the state.]~~

4091 ~~[(4)]~~ (3) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4092 Act, the division may make rules, ~~[after consulting with the commission,]~~ when expressly
4093 authorized by this chapter[-]:

4094 (i) regarding issues related to outdoor recreation; and

4095 (ii) after notifying the commission, except for rules made under:

4096 (A) Chapter 5, Recreational Trails; and

4097 (B) Chapter 8, Outdoor Recreation Grants.

4098 (b) ~~[The]~~ In accordance with Subsection (3)(a), the division shall make rules governing
4099 the collection of charges under Subsection ~~79-7-203~~(8).

4100 Section 93. Section ~~79-7-203~~ is amended to read:

4101 **79-7-203. Powers and duties of division.**

4102 (1) As used in this section, "real property" includes land under water, upland, and all
4103 other property commonly or legally defined as real property.

4104 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
4105 conferred upon the Division of Wildlife Resources by law on property controlled by the
4106 division with reference to fish and game.

4107 (3) ~~[The]~~ For purposes of property controlled by the division, the division shall permit
4108 multiple ~~[use]~~ uses of the property ~~[controlled by the division]~~ for purposes such as grazing,
4109 fishing, hunting, camping, mining, and the development and use of water and other natural
4110 resources.

4111 (4) (a) The division may acquire real and personal property in the name of the state by
4112 legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or
4113 otherwise, subject to the approval of the executive director and the governor.

4114 (b) In acquiring real or personal property, the credit of the state may not be pledged
4115 without the consent of the Legislature.

4116 (5) (a) Before acquiring any real property, the division shall notify the county
4117 legislative body of the county where the property is situated of the division's intention to

4118 acquire the property.

4119 (b) If the county legislative body requests a hearing within 10 days of receipt of the
4120 notice, the division shall hold a public hearing in the county concerning the matter.

4121 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
4122 division, subject to the approval of the executive director and the governor.

4123 (7) The division shall acquire property by eminent domain in the manner authorized by
4124 Title 78B, Chapter 6, Part 5, Eminent Domain.

4125 (8) (a) The division may make charges for special services and use of facilities, the
4126 income from which is available for recreation purposes.

4127 (b) The division may conduct and operate those services necessary for the comfort and
4128 convenience of the public.

4129 (9) (a) The division may lease or rent concessions of lawful kinds and nature on
4130 property to persons, partnerships, and corporations for a valuable consideration after
4131 ~~[consulting with]~~ notifying the commission.

4132 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
4133 selecting concessionaires.

4134 (10) The division shall proceed without delay to negotiate with the federal government
4135 concerning the Weber Basin and other recreation and reclamation projects.

4136 (11) (a) The division shall coordinate with and annually report to the following
4137 regarding land acquisition and development and grants administered under this chapter or
4138 Chapter 8, Outdoor Recreation Grants:

4139 ~~[(a) the Utah Office of Outdoor Recreation;]~~

4140 ~~[(b)]~~ (i) the Division of State Parks; and

4141 ~~[(c)]~~ (ii) the Office of Rural Development.

4142 (b) The report required under Subsection (11)(a) shall be in writing, made public, and
4143 include a description and the amount of any grant awarded under this chapter or Chapter 8,
4144 Outdoor Recreation Grants.

4145 (12) The division shall:

4146 (a) coordinate outdoor recreation policy, management, and promotion:

4147 (i) among state and federal agencies and local government entities in the state;

4148 (ii) with the Public Lands Policy Coordinating Office created in Section [63L-11-201](#), if

4149 public land is involved; and

4150 (iii) on at least a quarterly basis, with the executive director and the executive director
4151 of the Governor's Office of Economic Opportunity;

4152 (b) in cooperation with the Governor's Office of Economic Opportunity, promote
4153 economic development in the state by:

4154 (i) coordinating with outdoor recreation stakeholders;

4155 (ii) improving recreational opportunities; and

4156 (iii) recruiting outdoor recreation business;

4157 (c) promote all forms of outdoor recreation, including motorized and nonmotorized
4158 outdoor recreation;

4159 (d) recommend to the governor and Legislature policies and initiatives to enhance
4160 recreational amenities and experiences in the state and help implement those policies and
4161 initiatives;

4162 (e) in performing the division's duties, seek to ensure safe and adequate access to
4163 outdoor recreation for all user groups and for all forms of recreation;

4164 (f) develop data regarding the impacts of outdoor recreation in the state; and

4165 (g) promote the health and social benefits of outdoor recreation, especially to young
4166 people.

4167 (13) By following Title 63J, Chapter 5, Federal Funds Procedures Act, the division
4168 may:

4169 (a) seek federal grants or loans;

4170 (b) seek to participate in federal programs; and

4171 (c) in accordance with applicable federal program guidelines, administer federally
4172 funded outdoor recreation programs.

4173 (14) The division shall receive and distribute voluntary contributions collected under
4174 Section [41-1a-422](#) in accordance with Section [79-7-303](#).

4175 Section 94. Section **79-7-206** is enacted to read:

4176 **79-7-206. Utah Outdoor Recreation Infrastructure Advisory Committee.**

4177 (1) As used in this section, "committee" means the Utah Outdoor Recreation
4178 Infrastructure Advisory Committee created in this section.

4179 (2) (a) There is created within the division the "Utah Outdoor Recreation Infrastructure

4180 Advisory Committee" consisting of the following 17 members:

4181 (i) the director of the division, who shall act as chair of the committee;

4182 (ii) the director of the Division of State Parks, or the director of the Division of State
4183 Park's designee; and

4184 (iii) the following appointed by the executive director:

4185 (A) one nonvoting representative of a federal land agency;

4186 (B) one nonvoting representative of National Park Service's River, Trails, and
4187 Conservation Assistance Program;

4188 (C) one representative of municipal government, recommended by the Utah League of
4189 Cities and Towns;

4190 (D) one representative of county government, recommended by the Utah Association
4191 of Counties;

4192 (E) two representatives of the outdoor industry;

4193 (F) two representatives of tourism, with one focused in the hotel or lodging sector;

4194 (G) one representative of the healthcare industry;

4195 (H) one representative of multi-ability groups or programs;

4196 (I) one representative of outdoor recreation education programming;

4197 (J) one representative of nonmotorized recreation interests;

4198 (K) one representative of youth conservation or service corps organization; and

4199 (L) two representatives of motorized recreation interests.

4200 (b) At least two of the members of the committee appointed under Subsection
4201 (2)(a)(iii) shall represent rural interests.

4202 (3) (a) Except as required by Subsection (3)(b), as terms of committee members
4203 appointed under Subsection (2)(a)(iii) expire, the division shall appoint each new member or
4204 reappointed member to a four-year term.

4205 (b) Notwithstanding the requirements of Subsection (3)(a), the division shall, at the
4206 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4207 committee members appointed under Subsection (2)(a)(iii) are staggered so that approximately
4208 half of the committee is appointed every two years.

4209 (c) The executive director may remove an appointed member of the advisory
4210 committee at any time, with or without cause.

4211 (d) When a vacancy occurs in the membership for any reason, the executive director
4212 shall appoint the replacement for the unexpired term in the same manner as the original
4213 appointment.

4214 (4) The majority of voting members of the committee constitutes a quorum and an
4215 action of the majority of voting members present when a quorum is present is action by the
4216 committee.

4217 (5) The division shall provide administrative staff support for the committee.

4218 (6) A member may not receive compensation or benefits for the member's service, but
4219 a member appointed under Subsection (2)(b) may receive per diem and travel expenses in
4220 accordance with:

4221 (a) Section [63A-3-106](#);

4222 (b) Section [63A-3-107](#); and

4223 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
4224 [63A-3-107](#).

4225 (7) The committee shall advise and make recommendations to the division regarding:

4226 (a) nonmotorized recreational trails under Chapter 5, Recreational Trails;

4227 (b) grants issued under Chapter 8, Part 2, Recreation Restoration Infrastructure Grant
4228 Program;

4229 (c) the administration of the fund created in Section [79-8-304](#);

4230 (d) grants issued under Chapter 8, Part 3, Utah Children's Outdoor Recreation and
4231 Education Grant Program; and

4232 (e) grants issued under Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant
4233 Program.

4234 Section 95. Section **79-7-303**, which is renumbered from Section 79-4-404 is
4235 renumbered and amended to read:

4236 ~~[79-4-404].~~ **79-7-303. Zion National Park Support Programs Restricted**
4237 **Account.**

4238 (1) There is created within the General Fund the "Zion National Park Support
4239 Programs Restricted Account."

4240 (2) The ~~[account]~~ Zion National Park Support Programs Restricted Account shall be
4241 funded by:

4242 (a) contributions deposited into the [~~account~~] Zion National Park Support Programs
4243 Restricted Account in accordance with Section ~~41-1a-422~~;

4244 (b) private contributions; or
4245 (c) donations or grants from public or private entities.

4246 (3) The Legislature shall appropriate [~~funds~~] money in the [~~account~~] Zion National
4247 Park Support Programs Restricted Account to the division.

4248 (4) The [~~board~~] division may expend up to 10% of the money appropriated under
4249 Subsection (3) to administer account distributions in accordance with Subsections (5) and (6).

4250 (5) The division shall distribute contributions to one or more organizations that:
4251 (a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue
4252 Code;
4253 (b) operate under a written agreement with the National Park Service to provide
4254 interpretive, educational, and research activities for the benefit of Zion National Park;
4255 (c) produce and distribute educational and promotional materials on Zion National
4256 Park;
4257 (d) conduct educational courses on the history and ecosystem of the greater Zion
4258 Canyon area; and
4259 (e) provide other programs that enhance visitor appreciation and enjoyment of Zion
4260 National Park.

4261 (6) (a) An organization described in Subsection (5) may apply to the division to receive
4262 a distribution in accordance with Subsection (5).
4263 (b) An organization that receives a distribution from the division in accordance with
4264 Subsection (5) shall expend the distribution only to:
4265 (i) produce and distribute educational and promotional materials on Zion National
4266 Park;
4267 (ii) conduct educational courses on the history and ecosystem of the greater Zion
4268 Canyon area; and
4269 (iii) provide other programs that enhance visitor appreciation and enjoyment of Zion
4270 National Park.

4271 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
4272 after notifying the commission, the division may make rules providing procedures and

4273 requirements for an organization to apply to the division to receive a distribution under
4274 Subsection (5).

4275 Section 96. Section **79-8-102** is amended to read:

4276 **79-8-102. Definitions.**

4277 As used in this chapter:

4278 (1) "Accessible to the general public" in relation to the awarding of an infrastructure
4279 grant, means:

4280 (a) the public may use the infrastructure in accordance with federal and state
4281 regulations; and

4282 (b) no community or group retains exclusive rights to access the infrastructure.

4283 (2) "Advisory committee" means the Utah Outdoor Recreation Infrastructure Advisory
4284 Committee created in Section [79-7-206](#).

4285 ~~[(1)]~~ (3) "Children," in relation to the awarding of a UCORE grant, means individuals
4286 who are six years old or older and 18 years old or younger.

4287 ~~[(2)]~~ (4) "Director" means the director of the Division of Outdoor Recreation.

4288 ~~[(3)]~~ (5) "Division" means the Division of Outdoor Recreation.

4289 ~~[(4)]~~ (6) "Executive director" means the executive director of the Department of
4290 Natural Resources.

4291 (7) "Infrastructure grant" means an outdoor recreational infrastructure grant described
4292 in Section [79-8-401](#).

4293 (8) (a) "Recreational infrastructure project" means an undertaking to build or improve
4294 an approved facility or installation needed for the public to access and enjoy the state's
4295 outdoors.

4296 (b) "Recreational infrastructure project" may include the:

4297 (i) establishment, construction, or renovation of a trail, trail infrastructure, or a trail
4298 facility;

4299 (ii) construction of a project for a water-related outdoor recreational activity;

4300 (iii) development of a project for a wildlife watching opportunity, including bird
4301 watching;

4302 (iv) development of a project that provides a winter recreation amenity;

4303 (v) construction or improvement of a community park that has an amenity for outdoor

4304 recreation; and

4305 (vi) construction or improvement of a naturalistic and accessible playground.

4306 ~~[(5)]~~ (9) "UCORE grant" means a children's outdoor recreation and education grant
4307 described in Section ~~[79-8-402]~~ 79-8-302.

4308 ~~[(6)]~~ (10) (a) "Underserved ~~[or underprivileged]~~ community" means a group of people,
4309 including a municipality, county, or American Indian tribe, that is economically disadvantaged.

4310 (b) "Underserved ~~[or underprivileged]~~ community" includes an economically
4311 disadvantaged community where in relation to awarding a UCORE grant, the children of the
4312 community, including children with disabilities, have limited access to outdoor recreation or
4313 education programs.

4314 Section 97. Section **79-8-103** is amended to read:

4315 **79-8-103. Outdoor recreation grants.**

4316 To the extent money is available, the division shall administer outdoor recreation grants
4317 for the state, including grants that address:

4318 (1) outdoor recreation in general;

4319 (2) recreational trails;

4320 (3) off-highway vehicle incentives;

4321 (4) boat access and clean vessels; ~~[and]~~

4322 (5) land, water, and conservation~~[-];~~ and

4323 (6) outdoor recreation programming.

4324 Section 98. Section **79-8-106** is amended to read:

4325 **79-8-106. Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

4326 (1) There is created an expendable special revenue fund known as the "Outdoor
4327 Recreation Infrastructure Account," which~~[-(a) the outdoor recreation office]~~ the division shall
4328 use to fund;

4329 (a) the Outdoor Recreational Infrastructure Grant Program created in Section

4330 ~~[63N-9-202]~~ 79-8-401; and

4331 (b) ~~[the division shall use to fund]~~ the Recreation Restoration Infrastructure Grant
4332 Program created in Section 79-8-202.

4333 (2) The account consists of:

4334 (a) distributions to the account under Section 59-28-103;

- 4335 (b) interest earned on the account;
- 4336 (c) appropriations made by the Legislature;
- 4337 (d) money from a cooperative agreement entered into with the United States
- 4338 Department of Agriculture or the United States Department of the Interior; and
- 4339 (e) private donations, grants, gifts, bequests, or money made available from any other
- 4340 source to implement this part.

4341 (3) The division shall, with the advice of the [~~Utah Outdoor Recreation Grant Advisory~~
4342 ~~Committee created in Section 79-8-105~~] advisory committee, administer the account.

4343 (4) [~~(a)~~] The cost of administering the account shall be paid from money in the
4344 account.

4345 [~~(b) The cost of two full-time positions in the Utah Office of Outdoor Recreation in an~~
4346 ~~amount agreed to by the division and the Utah Office of Outdoor Recreation shall be paid from~~
4347 ~~money in the account.~~]

4348 (5) Interest accrued from investment of money in the account shall remain in the
4349 account.

4350 Section 99. Section **79-8-201** is amended to read:

4351 **79-8-201. Definitions.**

4352 As used in this part:

4353 [~~(1) "Advisory committee" means the Utah Outdoor Recreation Grant Advisory~~
4354 ~~Committee created in Section 79-8-105.~~]

4355 [~~(2)~~] (1) "Grant program" means the Recreation Restoration Infrastructure Grant
4356 Program created in Section 79-8-202.

4357 [~~(3)~~] (2) "High demand outdoor recreation amenity" means infrastructure necessary for
4358 a campground, picnic area, or water recreation structure such as a dock, pier, or boat ramp that
4359 receives or has received heavy use by the public.

4360 [~~(4)~~] (3) "High priority trail" means a motorized or nonmotorized recreation
4361 summer-use trail and related infrastructure that is prioritized by the advisory committee for
4362 restoration or rehabilitation to maintain usability and sustainability of trails that receive or have
4363 received high use by the public.

4364 [~~(5)~~] (4) "Public lands" includes local, state, and federal lands.

4365 [~~(6)~~] (5) "Rehabilitation or restoration" means returning an outdoor recreation structure

4366 or trail that has been degraded, damaged, or destroyed to its previously useful state by means of
4367 repair, modification, or alteration.

4368 Section 100. Section **79-8-202** is amended to read:

4369 **79-8-202. Creation of grant program.**

4370 (1) (a) There is created the "Recreation Restoration Infrastructure Grant Program"
4371 administered by the division.

4372 (b) Subject to Subsection (1)(c), 5% percent of the unencumbered amount in the [Utah]
4373 Outdoor Recreation Infrastructure Account, created in Section 79-8-106, at the beginning of
4374 each fiscal year may be used for the grant program.

4375 (c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the
4376 beginning of a fiscal year if approved by the executive director after consultation with the
4377 director and the advisory committee.

4378 (2) The division may seek to accomplish the following objectives in administering the
4379 grant program:

4380 (a) rehabilitate or restore high priority trails for both motorized and nonmotorized uses;

4381 (b) rehabilitate or restore high demand recreation areas on public lands; and

4382 (c) encourage the public land entities to engage with volunteer groups to aid with
4383 portions of needed trail work.

4384 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4385 division shall make rules, after consulting with [~~the Outdoor Adventure Commission~~] the
4386 advisory committee, establishing the eligibility and reporting criteria for an entity to receive a
4387 recreation restoration infrastructure grant, including:

4388 (a) the form and process of submitting annual project proposals to the division for a
4389 recreation restoration infrastructure grant;

4390 (b) which entities are eligible to apply for a recreation restoration infrastructure grant;

4391 (c) specific categories of recreation restoration projects that are eligible for a recreation
4392 restoration infrastructure grant;

4393 (d) the method and formula for determining recreation restoration infrastructure grant
4394 amounts; and

4395 (e) the reporting requirements of a recipient of a recreation restoration infrastructure
4396 grant.

4397 Section 101. Section **79-8-302** is amended to read:

4398 **79-8-302. Creation and purpose of the UCORE grant program.**

4399 (1) There is created the Utah Children's Outdoor Recreation and Education Grant
4400 Program administered by the division.

4401 (2) The division may seek to accomplish the following objectives in administering the
4402 UCORE grant program:

4403 (a) promote the health and social benefits of outdoor recreation to the state's children;

4404 (b) encourage children to develop the skills and confidence to be physically active for
4405 life;

4406 (c) provide outdoor recreational opportunities to underserved [~~or underprivileged~~]
4407 communities in the state; and

4408 (d) encourage hands-on outdoor or nature-based learning and play to prepare children
4409 for achievement in science, technology, engineering, and math.

4410 Section 102. Section **79-8-303** is amended to read:

4411 **79-8-303. Rulemaking and requirements for awarding a UCORE grant.**

4412 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4413 division, after consulting with the [~~Outdoor Adventure Commission~~] advisory committee, shall
4414 make rules establishing the eligibility and reporting criteria for an entity to receive a UCORE
4415 grant, including:

4416 (a) the form and process of submitting an application to the division for a UCORE
4417 grant;

4418 (b) which entities are eligible to apply for a UCORE grant;

4419 (c) specific categories of children's programs that are eligible for a UCORE grant;

4420 (d) the method and formula for determining grant amounts; and

4421 (e) the reporting requirements of grant recipients.

4422 (2) In determining the award of a UCORE grant, the division may prioritize a children's
4423 program that will serve an [~~underprivileged or~~] underserved community in the state.

4424 (3) A UCORE grant may only be awarded by the executive director after consultation
4425 with the director and the [~~Outdoor Adventure Commission~~] advisory committee.

4426 (4) The following entities may not receive a UCORE grant under this part:

4427 (a) a federal government entity;

4428 (b) a state agency, except for public schools and institutions of higher education; and

4429 (c) a for-profit entity.

4430 (5) In awarding UCORE grants, consideration shall be given to entities that implement
4431 programs that:

4432 (a) contribute to healthy and active lifestyles through outdoor recreation; and

4433 (b) include one or more of the following attributes in their programs or initiatives:

4434 (i) serve children with the greatest needs in rural, suburban, and urban areas of the
4435 state;

4436 (ii) provide students with opportunities to directly experience nature;

4437 (iii) maximize the number of children who can participate;

4438 (iv) commit matching and in-kind resources;

4439 (v) create partnerships with public and private entities;

4440 (vi) include ongoing program evaluation and assessment;

4441 (vii) ~~utilize~~ use veterans in program implementation;

4442 (viii) include outdoor or nature-based programming that incorporates concept learning
4443 in science, technology, engineering, or math; or

4444 (ix) ~~utilize~~ use educated volunteers in program implementation.

4445 Section 103. Section **79-8-304** is amended to read:

4446 **79-8-304. Utah Children's Outdoor Recreation and Education Fund -- Uses --**
4447 **Costs.**

4448 (1) There is created an expendable special revenue fund known as the "Utah Children's
4449 Outdoor Recreation and Education Fund," which the division shall use to fund the Utah
4450 Children's Outdoor Recreation and Education Grant Program created in Section [79-8-302](#).

4451 (2) The fund consists of:

4452 (a) appropriations made by the Legislature;

4453 (b) interest earned on the account; and

4454 (c) private donations, grants, gifts, bequests, or money made available from any other
4455 source to implement this part.

4456 (3) The division shall, with the advice of [~~the Utah Outdoor Recreation Grant Advisory~~
4457 ~~Committee created in Section [79-8-105](#)]~~ the advisory committee, administer the fund.

4458 (4) The cost of administering the fund shall be paid from money in the fund.

4459 (5) Interest accrued from investment of money in the fund shall remain in the fund.
4460 Section 104. Section **79-8-401**, which is renumbered from Section 63N-9-202 is
4461 renumbered and amended to read:

4462 **Part 4. Outdoor Recreational Infrastructure Grant Program**

4463 ~~[63N-9-202]~~. **79-8-401. Creation and purpose of infrastructure grant**
4464 **program.**

4465 (1) There is created the Outdoor Recreational Infrastructure Grant Program
4466 administered by the [~~outdoor recreation office~~] division.

4467 (2) The [~~outdoor recreation office~~] division may seek to accomplish the following
4468 objectives in administering the infrastructure grant program:

4469 (a) build, maintain, and promote recreational infrastructure to provide greater access to
4470 low-cost outdoor recreation for the state's citizens;

4471 (b) encourage residents and nonresidents of the state to take advantage of the beauty of
4472 Utah's outdoors;

4473 (c) encourage individuals and businesses to relocate to the state;

4474 (d) promote outdoor exercise; and

4475 (e) provide outdoor recreational opportunities to an underserved [~~or underprivileged~~]
4476 community in the state.

4477 (3) The advisory committee shall advise and make recommendations to the [~~outdoor~~
4478 ~~recreation office~~] division regarding infrastructure grants.

4479 Section 105. Section **79-8-402**, which is renumbered from Section 63N-9-203 is
4480 renumbered and amended to read:

4481 ~~[63N-9-203]~~. **79-8-402. Rulemaking and requirements for awarding an**
4482 **infrastructure grant.**

4483 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
4484 after consultation with the advisory committee, the [~~outdoor recreation office~~] division shall
4485 make rules establishing the eligibility and reporting criteria for an entity to receive an
4486 infrastructure grant, including:

4487 (a) the form and process of submitting an application to the [~~outdoor recreation office~~]
4488 division for an infrastructure grant;

4489 (b) which entities are eligible to apply for an infrastructure grant;

4490 (c) specific categories of recreational infrastructure projects that are eligible for an
4491 infrastructure grant;

4492 (d) the method and formula for determining grant amounts; and

4493 (e) the reporting requirements of grant recipients.

4494 (2) In determining the award of an infrastructure grant, the [~~outdoor recreation office~~
4495 division] may prioritize a recreational infrastructure project that will serve an [~~underprivileged~~
4496 or] underserved community.

4497 (3) An infrastructure grant may only be awarded by the executive director after
4498 consultation with the director and the [~~GO Utah board~~] advisory committee.

4499 (4) The following entities may not receive an infrastructure grant under this part:

4500 (a) a federal government entity;

4501 (b) a state agency; and

4502 (c) a for-profit entity.

4503 (5) An infrastructure grant may only be awarded under this part:

4504 (a) for a recreational infrastructure project that is accessible to the general public; and

4505 (b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching
4506 funds having a value:

4507 (i) equal to or greater than the amount of the infrastructure grant[-]; or

4508 (ii) established in accordance with rules made by the division, after consultation with
4509 the advisory committee, and in accordance with Title 63G, Chapter 3, Utah Administrative
4510 Rulemaking Act.

4511 (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be
4512 provided through an in-kind contribution by the grant recipient, if:

4513 (a) approved by the executive director after consultation with the director and the [~~GO~~
4514 ~~Utah board~~] advisory committee; and

4515 (b) the in-kind donation does not include real property.

4516 (7) An infrastructure grant may not be awarded under this part if the grant, or the grant
4517 recipient match described in Subsection (5)(b), will be used for the purchase of real property or
4518 for the purchase or transfer of a conservation easement.

4519 Section 106. **Repealer.**

4520 This bill repeals:

4521 Section **11-38-101**, Title.
4522 Section **11-38-201**, Quality Growth Commission -- Term of office -- Vacancy --
4523 **Organization -- Expenses -- Staff.**

4524 Section **11-38-203**, Commission may provide assistance to local entities.

4525 Section **63N-9-101**, Title.

4526 Section **63N-9-102**, Definitions.

4527 Section **63N-9-104**, Creation of outdoor recreation office and appointment of
4528 **director -- Responsibilities of outdoor recreation office.**

4529 Section **63N-9-105**, Duties of director.

4530 Section **63N-9-106**, Annual report.

4531 Section **63N-9-201**, Title.

4532 Section **79-5-201**, Recreational Trails Advisory Council.

4533 Section **79-5-202**, Council membership -- Expenses.

4534 Section **79-7-101**, Title.

4535 Section **79-8-104**, Annual report.

4536 Section **79-8-105**, Utah Outdoor Recreation Grant Advisory Committee --
4537 **Membership -- Duties -- Expenses.**

4538 Section 107. **Appropriation.**

4539 The following sums of money are appropriated for the fiscal year beginning July 1,
4540 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
4541 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
4542 Act, the Legislature appropriates the following sums of money from the funds or accounts
4543 indicated for the use and support of the government of the state of Utah.

4544 ITEM 1

4545 To Department of Natural Resources -- Pass Through

4546 From General Fund \$130,000

4547 Schedule of Programs:

4548 Pass Through \$130,000

4549 The Legislature intends that the money appropriated under this item be used only for
4550 the purpose of conservation efforts in accordance with Subsection **79-2-202(5)** enacted in this
4551 bill.

4552 ITEM 2

4553 To Department of Natural Resources -- Recreation Management

4554 From General Fund \$150,000

4555 Schedule of Programs:

4556 Recreation Management \$150,000

4557 The Legislature intends that the money appropriated under this item be used for the

4558 administration of the Division of Outdoor Recreation in accordance with this bill.

4559 ITEM 3

4560 To Department of Agriculture and Food -- Conservation

4561 From General Fund \$120,000

4562 Schedule of Programs:

4563 Conservation Administration \$120,000

4564 The Legislature intends that the money appropriated under this item be used for

4565 conservation efforts in accordance with this bill.

4566 ITEM 4

4567 To Governor's Office of Economic Opportunity

4568 From General Fund (\$338,700)

4569 Schedule of Programs:

4570 Business Outreach & International Trade (\$338,700)

4571 ITEM 5

4572 To Department of Natural Resources -- Recreation Management

4573 From General Fund \$338,700

4574 Schedule of Programs:

4575 Recreation Management \$338,700

4576 The Legislature intends that, at the close of fiscal year 2022, the Division of Finance

4577 transfer any fiscal year 2022 closing nonlapsing balances or carry forward funding in support of

4578 the Office of Outdoor Recreation to the Department of Natural Resources - Recreation

4579 Management, as fiscal year 2023 beginning nonlapsing balances.

4580 Section 108. **Effective date.**

4581 This bill takes effect on July 1, 2022.

4582 Section 109. **Revisor instructions.**

4583 The Legislature intends that the Office of Legislative Research and General Counsel, in
4584 preparing the Utah Code database for publication on July 1, 2022:

4585 (1) replace the references in Subsections 4-46-104(1)(a) and (2) from "this bill" to the
4586 bill's designated chapter number in the Laws of Utah;

4587 (2) replace the references in Subsections 79-2-206(2)(c), (4)(a)(i) and (4)(b) from "this
4588 bill" to the bill's designated chapter number in the Laws of Utah;

4589 (3) replace cross references to sections renumbered by this bill that are added to the
4590 Utah Code by legislation passed during the 2022 General Session that become law;

4591 (4) replace references to the "Division of Recreation" to the "Division of Outdoor
4592 Recreation" in any new language added to the Utah Code by legislation, other than Section
4593 79-2-206, passed during the 2022 General Session that becomes law; and

4594 (5) replace references to the "Quality Growth Commission" to the "Land Conservation
4595 Board" in any new language added to the Utah Code by legislation, other than Section
4596 4-46-104, passed during the 2022 General Session that becomes law.